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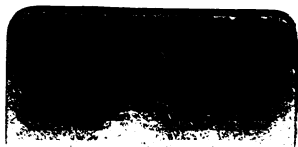
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AN
HISTORICAL AND STATISTICAL
ACCOUNT
OF
NEW SOUTH WALES,
FROM THE FOUNDING OF THE COLONY IN 1788
TO THE PRESENT DAY.

BY
JOHN DUNMORE LANG, D.D., A.M.
SENIOR MINISTER OF THE SCOTS CHURCH, SYDNEY, AND RECENTLY
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OF NEW SOUTH WALES;
HONORARY MEMBER OF THE AFRICAN INSTITUTE OF FRANCE,
OF THE AMERICAN ORIENTAL SOCIETY, AND
OF THE LITERARY INSTITUTE OF THE UNIVERSITY OF OLINDA, IN THE BRAZILS.

"Quorum pars magna fui."—Virgil.

IN TWO VOLUMES.

VOL. I.



FOURTH EDITION.

THE HISTORY OF THE LAST TWENTY-FIVE YEARS ENTIRELY NEW.

London:
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'CROWN BUILDINGS, 188, FLEET STREET.
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PREFACE.

THE three former editions of this work were published in the years 1834, 1837, and 1852, respectively; but, from the wonderful development of the Colony of New South Wales during the last twenty or twenty-five years, and the manifold and important changes that have taken place in that period in its general condition and prospects, only a small portion, comparatively, of the original work has been embodied in the present edition; while the history of the Colony which it gives for the last quarter of a century is entirely new.

Almost the whole of the following work was written at sea, on the author's repeated voyages from Sydney to London; the materials having been previously collected for the purpose on these occasions in the Colony. For having, unfortunately, had to spend a large portion of his life at sea, the author has found it expedient and necessary, independently altogether of other and higher objects, to carve out beforehand sufficient literary labour for each successive voyage, to redeem that portion of his life from the mere blank which it might otherwise present, as well as to escape the listlessness and languor into which any person without an absorbing employment is, in such circumstances, likely to fall.

A work written in circumstances such as these must necessarily have many imperfections. Repetitions of the same facts and circumstances, and sometimes even of the same ideas, are not only apt to occur, but

afterwards overlooked till it is too late to make the necessary corrections: dull expletives also are apt to intrude themselves, especially if the wind happens to be foul, or the weather unfavourable; and the balancing of periods is scarcely to be thought of.

Having firmly resolved, on the completion of his academical curriculum of eight years at the University of Glasgow, for the ministry of the Church of Scotland, that he would not wait for any dead man's shoes in his native land, but would go forth beyond seas to some transmarine field of labour, in which no minister of the Church he belonged to had ever laboured before, the author went forth accordingly, as a minister of religion, to Australia, of his own choice and at his own charges, upwards of fifty years since; and having formed a strong attachment to his adopted country from the first, he was early identified with efforts of various kinds for its welfare and advancement. In process of time, as the colony was gradually expanding, and the powers of evil under the superlatively bad government to which it was long subjected were more and more strongly developed, he became involved in a whole series of struggles for its intellectual, social, moral, and political advancement, of which the reader will find sufficient indications in the following volumes. In the meantime, as the rest of the family of which the author was a member had followed his example in going forth to Australia shortly thereafter, and had acquired much valuable property in the country, which in the order of nature had all fallen to the author, he was enabled to maintain these struggles for a long series of years, and thereby not only to secure many important and permanent benefits for his fellow-colonists, but perhaps

PREFACE.

also to *leave footprints on the sands of time* in Australia, that, in all likelihood, will never be effaced.¹

As it is now evident that during the last eighty years and upwards Great Britain has been, perhaps unconsciously and undesignedly, laying the foundations of one of the mightiest empires of the future in Australia, the history of the origin and progress of the British settlements in that country will henceforth necessarily be an object of interest and importance not only to the colonists of Australia, but to the whole civilized world. Of these settlements, however, the only one that can ever pretend to have a history of the slightest interest or importance to the European reader, is New South Wales; of which, indeed, all the others—Tasmania, Victoria, South Australia and Queensland—including even Western Australia or Swan River on the one hand, and New Zealand on the other, have merely been the progressive expansions. To pretend, therefore, to compare the wonderful progress of some of these settlements with the comparatively slow progress of New South Wales in the infancy of that settlement, as has frequently been done by ill-informed and prejudiced writers, both in the mother country and in the Colonies, is pre-eminently absurd. For example, when the Colonies of South Aus-

¹ At a public meeting in Sydney, in the year 1870, the Hon. Sir Terence Aubrey Murray, President of the Legislative Council, or Upper House of Parliament, in the chair, the Hon. S. D. Gordon, a member of that House, stated to the meeting that, "if Dr. Lang had retained the property which he had disposed of from time to time for the furtherance of objects which he conceived of value and importance to the country, it would then have been worth not less than a hundred thousand pounds." The author would certainly not have made such a statement himself; but as it was made publicly, where the facts it referred to were all well known, he has no hesitation in saying that it was perfectly correct.



tralia and Victoria were originally settled in the year 1836, herds of cattle, flocks of sheep, and droves of horses were driven overland on speculation from New South Wales, to be sold at a comparatively moderate price to the new colonists; while whole cargoes of flour and other provisions were poured in upon them from Sydney and Tasmania. There was no mystery, therefore, in colonizing rapidly and successfully in circumstances so peculiarly favourable. But when the first British settlement was formed on the east coast of Australia, every ounce of food for civilized man in the country had to be carried out either from England, from India, or from the Cape of Good Hope; stock of every kind had to be conveyed for immense distances over unknown and stormy seas to the very ends of the earth; and in the seasons of famine and disease that unfortunately supervened, the whole of that stock which it had cost so much to import into the country had actually to be slaughtered to sustain human life. A comparison of the rates of progress in such circumstances is therefore absurd in the highest degree.

It is desirable, for many and obvious reasons, that all intelligent emigrants should make themselves generally acquainted with the past history of their adopted country; as they cannot otherwise be enabled to ascertain either its real condition and wants, or their own duties in regard to it. The author has given what he believes to be a fair and impartial statement of the facts and circumstances of that history, as well as of the conclusions which it warrants; and although he may thereby have given much offence in certain quarters, he is conscious he has told nothing but the truth.

London, 3rd November, 1874.

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1873.



AN
HISTORICAL AND STATISTICAL ACCOUNT
OF
NEW SOUTH WALES.

CHAPTER I.

CHRONOLOGICAL SKETCH OF THE PROGRESSIVE DISCOVERY
OF THE COASTS OF AUSTRALIA, PREVIOUS TO THE
YEAR 1788.

Denique et a nostro diversum gentibus orbem,
Diversum coelo, et clarum majoribus astris,
Remigio audaci attigimus, ducentibus et Dis.

FRACASTORIUS.

"Under the guidance of Superior Powers, and in the course of our adventurous navigation, we have at length reached a world differing from our own in its nations, in its climate, and in its brighter constellations."

THE vast continental island of Australia was discovered, in the year 1606, almost simultaneously, by the Spaniards and the Dutch. Both of these nations, which were then the two principal maritime powers of Europe, had fitted out expeditions of discovery in the year 1605; the former from the port of Callao in Peru, and the latter from Bantam in the island of Java. The Spanish expedition,

which sailed first, consisted of three ships, under the command of Don Pedro Fernando de Quiros; and its object was to discover the great southern continent, or *Tierra Austral*, which was then supposed by European geographers to occupy a large portion of the space which has since been ascertained to be covered by the waters of the Pacific. In the course of this voyage, De Quiros discovered a tract of land which he concluded was a portion of the great southern continent, and named accordingly *Australia del Espiritu Santo*, but which has since been supposed to have been only one of the larger islands of the Louisiade Archipelago of the French navigator Bougainville. His lieutenant, however, Luis Vaez de Torres, having been separated from the admiral in a storm, subsequently pursued a westerly course, to the southward of New Guinea, and, passing through the strait which now bears his name, discovered the mainland of Australia, which he supposed to be a group of islands, in the vicinity of Cape York. On his return to Madrid in the year 1609, De Quiros, conceiving his discovery of much greater importance than it was likely to have proved, even if prosecuted with ardour in that early period of the history of modern navigation, memorialized the Spanish court for a second expedition to ascertain the limits of the new-foundland, and for troops to conquer it for the King of Spain. In this application, however, he was unsuccessful: the Spanish monarch, it seems, was no Alexander; being wisely satisfied, perhaps, with the worlds of which he had already obtained the undisputed sovereignty through the splendid discoveries of Columbus.

The Dutch expedition consisted of a single vessel, the yacht "Duyfhen," which sailed from the port of Bantam on the 18th of November, 1605. It was fitted out at the instance of the Governor-General and Council of the Dutch East Indies, and its principal object was to explore the southern coast of the large island of New Guinea. But

after having reached the south-western extremity of that island, the Dutch commander appears to have stood to the southward, along the western shore of the peninsula of Cape York, which he supposed was merely a continuation of the mainland of New Guinea; thus entering the Gulf of Carpentaria without being aware of its existence and coasting along the Australian peninsula, as far as Cape *Keer Weer*, or *Turnagain*, in $13\frac{3}{4}^{\circ}$ south latitude. The exact dates of the respective discoveries of Torres and the commander of the "Duyfhen" cannot now be ascertained; but as the Dutch vessel had arrived in the island of Banda, on her return to Bantam, in the month of June, 1606, while the letter of Torres, communicating an account of his voyage to the Spanish Admiralty, is dated at Manilla, in the month of August following, Captain Flinders conjectures, with every appearance of probability, that the honour of the discovery of Australia is due to the Dutch, and that it must have taken place in the month of March, 1606, a few months before the discovery of Torres.¹

It has recently, indeed, been maintained that the honour

¹ *A Voyage to Terra Australis, undertaken for the purpose of completing the Discovery of that vast Country, &c., By Matthew Flinders, Commander of the Investigator.* London, 2 vols. 4to. 1814. Introduction, page viii.

Captain Flinders offers no explanation of the fact that the Dutch navigator mistook the Australian peninsula of Cape York for a part of the island of New Guinea; but, from the period of his leaving Bantam—the 18th of November,—it is evident he had sailed from that port with the first of the north-westerly monsoon, which although it is usually said to commence on the first of October, is sometimes a month or even six weeks later. Running, therefore, with a fair wind to the eastward, and coming at length in sight of the islands in Torres Straits, which would appear in the distance a continuous land, the Dutch navigator would naturally be apprehensive of being either embayed or driven on a lee shore if he continued to run to the eastward, and would therefore at once haul up to the southward, where he found an open sea, without further examination.

of the discovery of the Great South Land belongs neither to the Spaniards nor to the Dutch, but to the French, or rather the Provençal portion of that great nation. In the Burgundian Library at Brussels there has been found the original Report, illustrated with maps and drawings of Manoel Godinho de Eredia, a Portuguese navigator, by whom it is alleged that the Australian Continent was discovered and made known to the world in the year 1601. But from certain French maps and relative documents of a still more ancient date, recently discovered in the British Museum and the War Office of Paris, of dates respectively 1542 and 1555, it would appear that the original discovery was made so early as in the year 1531, by a distinguished Provençal navigator, Guillaume le Testu, a native of the French city of Grasse. So confident, indeed, in this opinion was Sir R. C. Rawlinson, President of the Royal Geographical Society, that in his annual address to the Society for the year 1872, he sums up the argument on the question of the original discovery of the Great South Land by saying, "We must own that the French are without a rival in the field." Whether these allegations, however, are well founded or not, we have to console ourselves, as Britons, with the comfortable reflection that, while neither the French nor the Dutch, neither the Spaniards nor the Portuguese, ever made any account of their alleged discoveries, we, the only practical people in the lot, have already, by following and settling in the track of our own great navigator, Captain Cook, founded a whole series of noble empires of the future in the Great South Land.

The northern and eastern coasts from the peninsula of Cape York to the eastern extremity of the land, together with the southern coast, and the neighbouring island of Van Diemen's Land, now Tasmania, were discovered in the early years by a succession of British navigators. The extensive line of coast, the

land extending from the tropic of Capricorn to the twenty-seventh parallel of south latitude, was the first discovered. It was fallen in with in the year 1616, by Captain Dirk Hartog, of the Dutch ship "Endraght," or "Harmony," outward bound from Holland to India, and was thence named *Endraght's Land*.² Two years thereafter—in 1618—the land extending from the north-west cape to the fifteenth parallel of south latitude was discovered by another Dutch captain of the name of Zeachen, who also appears to have discovered and surveyed a considerable portion of the northern coast, which he named the Land of Arnheim. In the year following—1619—Captain Jan de Edel discovered the western coast to the southward of Endraght's Land, and gave his name to a part of it, extending from latitude 32° 20' to 26° 30' south. And in the year 1622 the south-west cape was discovered, with the land extending to the northward as far as Edel's Land, and was named, probably from the vessel in which the discovery was effected, *Landt van de Leeuwin*, or the *Land of the Lioness*. The year following (1623) an expedition was despatched from the island of Amboyna, by the Dutch Governor-General, Jan Pieterz Coen, to follow up the discoveries of the yacht "Duyfhen," along the western coast of the peninsula of Cape York. The result of this expedition was the extension of the survey of that peninsula, which was still supposed to be a part of New Guinea, to Staten River, in latitude 17° south, where,

² On one of the islands forming Dirk Hartog's Road, in Sharks' Bay, latitude 25° south, there was found, first, in the year 1697, by the Dutch Admiral Vlaming, and afterwards by Captain Flinders in the year 1801, a tin plate with the following inscription:—

"Anno 1616, the 25th of October, arrived here the ship 'Endraght,' of Amsterdam: the first merchant, Gillis Miebaix, of Luik; Dirk Hartog, of Amsterdam, Captain. They sailed from hence for Bantam the 27th Dec."

it was observed, the land stretched to the westward. Four years thereafter (in 1627) the southern coast was discovered by Captain Pieter Nuyts, who bequeathed to it his own mellifluous name. The Dutch account of this interesting discovery is as follows:—"In the year 1627 the south coast of the Great South Land was accidentally discovered by the ship 'Gulde Zeepaard,' outward bound from Fatherland, for the space of a thousand miles" (Flinders, *Introd.* lxviii.). Violent westerly gales, which are of frequent occurrence in these regions, had probably driven the brave Dutchman out of his course; and the passion for geographical discovery, so strongly characteristic of his age and nation, may have induced him to push on so far to the eastward along the unknown coast he had accidentally discovered. Unfortunately, however, he could scarcely have found so large an extent of absolute sterility as that coast presents in any other locality on the face of the earth. In the year 1628, the line of coast, intervening between Endraght's Land and the discoveries of Zeachen, was discovered and surveyed by a vessel belonging to the Dutch East India Company (which was unfortunately wrecked on the coast), and named *De Witt's Land*, in honour of the commodore who then commanded the Dutch East India squadron. During the same year Captain Pieter Carpenter, a naval commander in the service of the same Honourable Company to whose enlightened intelligence and persevering enterprise geographical science was thus early and deeply indebted, entered and explored the Gulf of Carpentaria, to which he had the honour of bequeathing his name; and in the year 1642, Abel Janz Tasman, who had been commissioned by his Excellency Anthony Van Dieman, the Dutch Governor-General of the Indies, to prosecute geographical discovery on the coasts of Australia, in command of the *Heemskirk* yacht and *Zeehaen* pinnace, discovered *Van Dieman's Land*, now Tasmania, and the island of *New*

Zealand;³ returning at length to Batavia by the north coast of New Guinea, of which he also made a running survey. Anthony Van Dieman had, it seems, a daughter, to whom Tasman was tenderly attached; and while the naval commander immortalized his patron by giving his name to a remote territory, which, has since been ascertained to be a separate island, and is now the seat of a highly-promising British colony, he conferred a similar distinction on his daughter, by giving her name to the northern extremities of Australia and New Zealand. The circumstance may, perhaps, appear trivial to the reader and unworthy of commemoration, but it happens at this moment to be somewhat interesting to the writer, as *Cape Maria Van Dieman* is at present the nearest land to our good ship on her passage homeward from Port Jackson across the boundless Pacific.⁴

Tasman had scarcely returned to Batavia from the successful voyage in which he had thus discovered Tasmania and New Zealand, and explored the Northern Coast of New Guinea, when he was again commissioned by the Governor-General and Council of India to follow up the discoveries which had already been effected by earlier navigators in the Gulf of Carpentaria and on the north coast of Australia. He accordingly proceeded to these regions in the year 1644: and the result of his observations and dis-

³ The former of these important discoveries was made on the 26th of November, 1642, and was named Anthony Van Dieman's Land, in honour of the governor-general, "our master, who sent us out to make discoveries."—*Tasman's Journal*. Tasman discovered and named Storm Bay and Frederick Hendrick's Bay on the east coast of Tasmania. In the latter of these bays he lay at anchor for some time to procure wood and water; and he appears to have had much friendly communication with the natives during his stay.

⁴ Cape Maria Van Dieman was distant about sixty-five leagues to the eastward when this paragraph was written, on one of the author's voyages homeward from New South Wales.

coveries was afterwards embodied in the Dutch charts of the period. A circumstance highly honourable to the professional character of this enterprising navigator, and illustrative at the same time of the uncertainties of marine surveying on the coasts of Australia, deserves to be recorded. Tasman had laid down, on his chart of the Gulf of Carpentaria, a river which he represented as disemboguing at the head of the gulf, and which he had named *The Maatsuycker*, in honour of one of the members of the Dutch Council of the Indies. This river, however, the eminent English navigator, Captain Flinders, who again surveyed the shores of the gulf, after the lapse of a hundred and sixty years, was unable to find, and had accordingly erased it from the chart; but Captain Stokes, of the Royal Navy, rediscovered it in the year 1842, two centuries after the original discovery of Tasman, and called it *The Albert*, in honour of the late Prince Consort. Certainly the Albert is a much more pronounceable name for an Englishman than the Maatsuycker, and a feeling of spurious loyalty and nationality, not to mention a less honourable feeling, will doubtless confirm its use; but in justice to the memory of an illustrious navigator, who appears to have been second only to our own immortal Cook, the name which was given by Tasman to his original discovery, two hundred years ago, ought unquestionably to be restored.⁵

The first English navigator who visited the coasts of Australia was the accurate and indefatigable Dampier, who, it is well known, had received his naval education among the buccaneers of America. Sailing from Acomack, in Virginia, to cruise against the Spaniards in the Great South Sea, that eminent navigator, after doubling Cape

⁵ Dr. Leichhardt, the celebrated Australian explorer, was evidently of opinion that the *Albert* of Captain Stokes was the *Maatsuycker* of Tasman. Although, as a foreigner writing for Englishmen, he speaks rather hesitantly on the subject—for obvious reasons.

Horn from the eastward, and then stretching across the Pacific towards the Equator, struck upon the north-west coast of Australia, in latitude $16^{\circ} 50'$ south, in the year 1688; and the accounts which he published of his observations on his return to England, having recommended him to the Earl of Pembroke, who was then at the head of the Admiralty, King William III. was induced to give him the command of the "Roebuck" man-of-war, and to send him on a voyage of discovery to Australia in the year 1699. It would seem, however, that, with the exception of the Archipelago which now bears his name, Dampier did not extend his observations beyond the line of coast which had previously been discovered by the Dutch, and his contributions to geographical science accordingly consisted chiefly in a more accurate survey of the coast, and in plain, but correct and highly graphical, descriptions of the country and its inhabitants.

The east coast of Australia, extending from the thirty-eighth parallel of south latitude to the northern extremity of the land, in latitude $10\frac{1}{2}^{\circ}$ south, was discovered by the famous English navigator, Captain Cook, partly during his first voyage in the year 1770, and partly during his third and last, in the year 1777. These voyages had been undertaken chiefly to ascertain the existence or non-existence of a great southern continent; but although this problem, which had occupied the minds of European philosophers, and furnished matter for interesting speculation from the days of De Quiros, was at length solved by our illustrious fellow-countryman, in a way that disappointed the anticipations and falsified the conclusions of many, they made known to the world the existence of a vast island, almost equal in extent to the whole continent of Europe, and they led the way to the speedy establishment of a British colony which is evidently destined to prove the nucleus of a mighty empire.

CHAPTER II.

ESTABLISHMENT OF A BRITISH COLONY AT PORT JACKSON,
UNDER THE GOVERNMENT OF CAPTAIN ARTHUR PHILLIP,
R. N.

Tantæ molis erat Romanam condere gentem !

VIRGIL.

"Vast was the toil to found the Roman state."

BEFORE the British colonies of North America were violently severed from the mother country, through unwise if not tyrannical legislation, the southern colonies of North America and the West Indies had for a long time been the only authorized outlets for those criminals in Great Britain and Ireland who had been sentenced to transportation.¹ During that period various expedients had been put in

¹ It is an error to suppose that transportation to hard labour beyond seas, as a punishment for crime, is a device of modern legislation and was unknown to the ancients. Herodotus informs us that the kings of Persia had an island in the Persian Gulf, to which they banished their criminals for this purpose; and the Romans, as is well known, had a penal colony precisely similar in its character to those of our own country, in the island of Sardinia. By the statute of 39th Eliz. chap. iv. banishment was decreed for the first time in English history as the punishment of rogues and vagabonds; but the place of their exile was not particularly specified in that enactment. The practice of transporting criminals to America commenced in the year 1619, in the reign of James I. Great abuses, however, having been discovered in the mode of carrying the system into operation, the transportation of criminals to America was at length regulated by parliamentary enactment, in the fourth year of the reign of George I.; and the causes of that enactment are stated in the preamble to be "the failure of those *who undertook to transport themselves*"—a very probable occurrence—"and the great want of servants in His Majesty's plantations."

practice, with indifferent success, for conveying the criminals to their destination. It was at length determined, however, by parliamentary enactment, that they should thenceforth be sent out under the superintendence of contractors, who should be obliged "to prove by certificates that they had disposed of them according to the intention of the law." These contractors were empowered to hire the convicts, or, in plainer English, to sell them, to the planters for longer or shorter periods, according to their sentences; and the latter bought them for such sums as they conceived their services during these periods would respectively be worth. This parliamentary slave-trade in the persons of British convicts subsisted till the war of American independence; and as it has been calculated that not fewer than two thousand convicts were annually disposed of in this manner for some time previous to that war, at the average rate of 20*l.* sterling a head, the unchristian and scandalous traffic must have produced a gross revenue to the nation of 40,000*l.* per annum.

"By the contest in America, and the subsequent separation of the Thirteen Colonies, this traffic" (the author of a work of some authority, relative to the earlier state of the colony of New South Wales, very coolly observes) "was of course destroyed." Other expedients were *of course* resorted to; and for some time criminals under sentence of transportation were sent, by way of experiment, to the west coast of Africa.³ But the deadliness of that climate speedily awakened the spirit of humanity, throughout the mother country, in favour of the convicts, and procured the speedy abandonment of a system of transportation, which, under

³ One of these expedients, which was adopted by parliament in 1779, but was subsequently abandoned in consequence of its supposed impracticability, was the establishment of penitentiaries, on a plan devised by the united talents of Judge Blackstone, the Honourable Mr. Eden, and the celebrated Howard.

the guise of mercy, was found almost equivalent to an indiscriminate sentence of death.

As the jails, however, were in the mean time crowded with criminals, it was at length determined to form a penal settlement at Botany Bay, on the east coast of Australia, which had then been but recently discovered by Captain Cook, and named New South Wales.*

The main objects of the British Government, in the formation of the proposed settlement, as expressed by the legislature, as well as by the leading philanthropists and the public press of the period, were,—

I. To rid the mother country of the intolerable nuisance arising from the daily increasing accumulation of criminals in her jails and houses of correction :

II. To afford a suitable place for the safe custody and punishment of these criminals, as well as for their ultimate and progressive reformation ; and,

III. To form a British colony out of those materials which the reformation of these criminals might gradually supply to the government, in addition to the families of free emigrants who might from time to time be induced to settle in the newly discovered territory.

These, the reader will doubtless acknowledge, were objects altogether worthy of the enlightened legislature of a great nation ; in fact, it was the most interesting and the noblest experiment that had ever been made on the moral capabilities of man : and if *there is joy in heaven among the angels of God over every sinner that repenteth*, we may well conceive the deep interest which superior intelligences would naturally feel at the establishment of the penal colony on

* It was Lord Viscount Sydney who first suggested the idea of establishing a colony in New South Wales. He was then Principal Secretary of State for the Colonies ; and the city of Sydney, now the capital of the great Colony of New South Wales, very appropriately bears his name.

the coast of Australia—all insignificant and contemptible as it might appear to the great majority of mankind—and the loud burst of joy with which they would have hailed the tidings of its ultimate success.

From the view I have thus given of the objects of the British Government, in forming the proposed settlement, it will appear evident to the reader, that it must have been the intention of the British legislature that the government of the colony of New South Wales should be conducted, in the first instance, on those principles of coercion and moral discipline which are suitable for the government of a jail ; and it will also appear equally evident, that it is the first and proper business of the writer, in proposing to exhibit a general view of the condition and progress of the colony, during the earlier stages of its existence, to point out the exact degree, in so far as it can be ascertained, in which this intention was realized, or in which each successive colonial administration was influential in promoting the grand objects of its original establishment. Such therefore will be the object of the writer in the following historical sketches of the condition and progress of the colony, during the earlier period of its history as a mere penal settlement for the British Empire. I am well aware that—now that the Colony of New South Wales has not only long ceased to be a penal settlement, but is likely, at no distant period, to take a high place among the nations of the earth as the head of a great political confederation of sovereign and independent states—there are not a few of its inhabitants who earnestly and patriotically desire that its original penal character should henceforth be for ever forgotten. I cannot, however, participate in these views and feelings : the original penal character of that Colony is a great fact which can never be ignored by the historian ; and as, during the first fifty years of its existence in that capacity, not fewer than fifty thousand British criminals were landed on its

shores, it is evident and undeniable that the progressive landing of these criminals on the Australian coast was the first of a series of events that were destined, in the counsels of Infinite Wisdom, to issue in the occupation and settlement, the civilization and Christianization, of a large portion of the Southern Hemisphere. In one word, the case which this remarkable fact undoubtedly exhibits, is one of the most striking illustrations which the history of mankind affords of this profound Scriptural truth, that "*God's thoughts are not as our thoughts, neither are His ways as our ways; for as the Heavens are higher than the earth, so are His thoughts higher than our thoughts, and His ways than our ways.*"

A fleet of eleven sail was assembled at Portsmouth, in the month of March, 1787, for the formation of the proposed settlement on the coast of Australia. It consisted of the frigate "Sirius," Captain John Hunter, and the armed tender, "Supply," Lieutenant Ball; three storeships—the "Golden Grove," the "Fishbourne," and the "Borrowdale;" and six transports—the "Scarborough," the "Lady Penrhyn," the "Friendship," the "Charlotte," the "Prince of Wales," and the "Alexander." On board of these vessels there were embarked six hundred male, and two hundred and fifty female convicts; the guard consisting of one major-commandant and three captains of marines, twelve subalterns, twenty-four non-commissioned officers, and one hundred and sixty-eight privates. Forty women, wives of the marines, were also permitted to accompany the detachment, together with their children.

Captain Arthur Phillip, of the royal navy—of whom, as he has thus become a personage of historical interest in the Southern Hemisphere, the reader will naturally desire to know something farther,—was appointed Governor of the proposed colony. Captain Phillip was born in London, in the year 1738. His father, Mr. Jacob Phillip, was a

native of Frankfort in Germany, who, having settled in England, maintained his family and educated his son as a teacher of languages. Mr. Phillip entered the navy at the age of sixteen, and was present at the taking of Havannah in the year 1761, when he gained some prize-money, and was made lieutenant on board the "Stirling Castle," by Admiral Sir George Pococke. At the close of the Seven Years' War, in 1763, Lieutenant Phillip returned to England, and, having married, settled at Lyndhurst in the New Forest. A rupture, however, having taken place shortly after between Portugal and Spain, he offered his services to the court of Lisbon, and was employed in the service of Portugal till the year 1778, when, Great Britain being again embroiled with France, he returned to England. In the year 1779 he was made master and commander, and appointed to the "Basilisk" fire-ship. Two years afterwards he was promoted to the rank of post-captain, and appointed, first to the "Ariadne" frigate, and subsequently to the "Europe," sixty-four. In January, 1783, he sailed with a reinforcement to the East Indies; but, returning to England, very shortly afterwards, he was not again in active service till he obtained his appointment as Governor of New South Wales in the year 1787.

The little fleet which was thus placed under the command of Captain Phillip, and which has since been designated by the older colonists of New South Wales *the first fleet*, set sail from Portsmouth on the 13th of May, 1787; and, having touched for supplies and stock for the settlement at Teneriffe, Rio de Janeiro, and the Cape of Good Hope, arrived at Botany Bay on the 18th, 19th, and 20th of January, 1788, after a long but comparatively prosperous voyage of eight months and upwards.

Captain Phillip soon found, however, that Botany Bay by no means an eligible harbour; for although the orage was apparently extensive, it was nevertheless

open to the full sweep of the easterly winds, which, whenever they blow violently, as is not unfrequently the case, roll in a heavy sea, which raises a tremendous surf all along the shores of the bay. Besides, the land in its immediate vicinity, which had been described by Sir Joseph Banks as a series of beautiful meadows, abounding in the richest pasture, was found to be nothing but barren swamps and sterile sand.

Greatly disappointed, doubtless, at the miserable prospect which the neighbourhood of Botany Bay afforded for the establishment of a colony, Captain Phillip was thus obliged to go in search of a more eligible site for the proposed settlement, even before the greater number of the convicts had been permitted to land. For this purpose he took with him three boats and several of the naval officers of the fleet, intending to examine Broken Bay, an extensive inlet, which Captain Cook had described, considerably to the northward. In Captain Cook's chart of the coast, however, another opening had been laid down a few miles to the northward of Botany Bay, on the authority of a seaman of the name of Jackson, who had seen it from the fore-top-mast-head, and from whom Captain Cook, who conceived it might possibly be a boat-harbour which it was not worth his while to examine, called it Port Jackson. This opening, which at first had rather an unpromising appearance, Captain Phillip examined; and the result of that examination was the splendid discovery of Port Jackson—one of the finest harbours, whether for extent or for security in the world.⁴ To this harbour the fleet was

⁴ "23rd January, 1788.—The party returned, this evening, full of praises on the extent and excellence of the harbour, as well as the superiority of the ground, water, and situation to that of Botany Bay, which I own, does not in my opinion by any means merit the commendations bestowed on it by the much-lamented Cook and others whose names and judgments are no less admired and esteemed.

* * * Although the spot fixed on for the town [at

immediately removed; and the settlement was ultimately formed on the 26th of January, 1788, at the head of Sydney Cove, one of its numerous and romantic inlets, near a small perennial stream of fresh water, which empties itself into the harbour, and is now called *The Tanks*.

The following account of the landing in Sydney Cove, and the actual formation of the settlement under Captain

Botany Bay] was the most eligible that could be chosen, yet I think it would never have answered, the ground around it being sandy, poor, and swampy, and but very indifferently supplied with water. The fine meadows talked of in Captain Cook's voyage I could never see, though I took some pains to find them out; nor have I ever heard of a person that has seen any parts resembling them."—*Journal of a Voyage to New South Wales*, by John White, Esq., Surgeon-general to the Settlement. London, 1790, p. 110.

"26th.—At ten o'clock the 'Sirius,' with all the ships, weighed, and in the evening anchored in Port Jackson. Port Jackson I believe to be, without exception, the finest and most extensive harbour in the universe, and at the same time the most secure, being safe from all the winds that blow. It is divided into a great number of coves, to which his Excellency has given different names. That on which the town is to be built is called Sydney Cove. It is one of the smallest in the harbour, but the most convenient, as ships of the greatest burden can with ease go into it, and heave out close to the shore. Trincomalee, acknowledged to be one of the best harbours in the world, is by no means to be compared to it. In a word, Port Jackson would afford sufficient and safe anchorage for all the navies of Europe."—*Journal of a Voyage to New South Wales*, by John White, Esq., Surgeon-general to the Settlement. London, 1790, p. 121.

In reference to Governor Phillip's removing the Expedition from Botany Bay to Port Jackson, M. de la Perouse (who was then at anchor in Botany Bay) observed, that "until he had looked round him in Botany Bay, he could not divine the cause of our quitting it, which he was so far from expecting, that, having heard at Kamschatka of the intended settlement, he imagined he should have found a town built and a market established; but, from what he had seen of the country since his arrival, he was convinced of the propriety and absolute necessity of the measure."—*Account of the English Colony in New South Wales*, by David Collins, Esq., late Judge Advocate and Secretary of the Colony. London, 1798, p. 5.

Phillip, is extracted from Collins' "Account of the settlement of Port Jackson and Norfolk Island."

"The governor, Captain Phillip, with a party of marines, and some artificers selected from among the seamen of the 'Sirius' and the convicts, arrived in Port Jackson, and anchored off the mouth of the cove intended for the settlement on the evening of the 25th January, 1788; and in the course of the following day sufficient ground was cleared for encamping the officers' guard and the convicts who had been landing in the morning. The spot chosen for this purpose was at the head of the cove, near the run of fresh water, which stole silently along *through a very thick wood*, the stillness of which had then, for the first time since the creation, been interrupted by the rude sound of the labourer's axe, and the downfall of its ancient inhabitants;—a stillness and tranquillity, which from that day were to give place to the voice of labour, the confusion of camps and towns, and the 'busy hum of its new possessors.'

"As soon as the hurry and tumult necessarily attending the disembarkation had a little subsided, the Governor caused His Majesty's commission, appointing him to be his Captain-General and Governor-in-chief in and over the territory of New South Wales and its dependencies, to be publicly read, together with the letters patent for establishing the courts of civil and criminal judicature in the territory; the extent of which, until this publication of it, was but little known even among ourselves. It was now found to extend from Cape York (the extremity of the coast to the northward), in the latitude of $10^{\circ} 37'$ south, to the South Cape (the southern extremity of the coast), in the latitude of $43^{\circ} 39'$ south; and inland to the westward as far as 135° of east longitude, comprehending all the islands adjacent in the Pacific Ocean, within the latitudes of the above-mentioned capes.

"The ceremony of reading these public instruments having been performed by the Judge Advocate, the Governor, addressing himself to the convicts, assured them, among other things, that he should ever be ready to show approbation and encouragement to those who proved themselves worthy of them by good conduct and attention to orders; while on the other hand, such as were determined to act in opposition to propriety, and observe a contrary conduct, would inevitably meet with the punishment which they deserved. He remarked how much it was their interest to forget the habits of vice and indolence in which too many of them had hitherto lived, and exhorted them to be honest among themselves, obedient to their overseers, and attentive to the several works in which they were about to be employed. At the conclusion of this address three volleys were fired by the troops, who thereupon returned to their parade, where the Governor, attended by Captain Hunter and the principal officers of the settlement, passed along the front of the detachments and received the honours due to a captain-general, after which he entertained all the officers and gentlemen of the settlement at dinner, under a large tent pitched for the purpose at the head of the marine encampment."⁵

On the morning of the 24th of January, previous to the removal of the fleet from Botany Bay, a circumstance occurred, which, in ancient times, would, doubtless, have been considered a most favourable omen of the future commercial prosperity of the new settlement, as well as of the wonderful change it was destined to effect in the general aspect and condition of the southern hemisphere. Two large ships under French colours were seen beating into the bay. They proved to be the "Boussole" and the

⁵ An Account of the English Colony in New South Wales. By David Collins, Esq., Judge Advocate and Secretary of the Colony. London. 1798, p. 8.

"Astrolabe," discovery ships, under the command of the unfortunate La Perouse. They had lost M. de l'Angle, the junior captain, with several of the officers and seamen, and both the ships' long boats, in an unfortunate skirmish with the natives at the Navigators' Islands, and had consequently come to Botany Bay to refit for the prosecution of their voyage. M. de la Perouse remained nearly two months in New South Wales; and during that period M. le Receveur, a French ecclesiastic, of the order of Friars Minims, who accompanied the expedition in the capacity of naturalist, died of wounds he had received at the Navigators' Islands, and was buried at Botany Bay.⁶ A mutual interchange of civilities was kept up between the English and French officers while the latter remained on the coast; and the reader is doubtless aware that this was the last time that either La Perouse or any of his unfortunate fellow-voyagers were either seen or heard of alive by civilized men. After the lapse of forty years, and the unsuccessful issue of a voyage undertaken expressly to ascertain the place and the manner of his fate,⁷ the melancholy truth was at length ascertained by Captain Dillon, of the Honourable East India Company's ship "Research." Both vessels, Captain Dillon ascertained, had struck one stormy night on a dangerous coral reef off the Mallicolo Islands, to the northward and eastward of Port Jackson, and had soon gone to pieces. Some of the crew had, it seems, reached the land, and one or two of their number had chosen rather

⁶ The following epitaph was inscribed on a monument erected to the memory of M. le Receveur, by La Perouse, at Botany Bay:—

Hic jacet Le Receveur,
 e F. F. Minimis Galliae Sacerdos,
 Physicus, in circumnavigatione
 Mundi,
 Duce de la Peyrouse.
 Ob. 17 Feb., 1788.
 J. D'Entrecasteaux.

to remain on the island, while the rest had unsuccessfully attempted to reach some civilized country: but the last of the unfortunate survivors had died several years before Captain Dillon visited the island in search of the evidences of their fate. I went on board the "Research," while she lay at anchor in Port Jackson, on her way to Europe, in the year 1827, to see the interesting reliques discovered by Captain Dillon; and I could not help thinking they possessed an additional interest from the circumstance of their being thus brought back, in the first instance, to the very country from which the unfortunate navigator himself had last sailed, with such high expectations, upwards of forty years before. That country, I could not help thinking also, was then an interminable forest; and a few miserable convicts from the jails of England had just been landed on its shores. In the interval that had elapsed, the forest had been cleared away; towns and villages had arisen, as if by magic, in the wilderness; and the haunts of the solitary savage were already inhabited by eighty thousand Europeans.*

When Governor Phillip hoisted the British ensign on the shores of Sydney Cove, they were by no means thickly wooded, as compared with the heavily-timbered alluvial land of the colony on the banks of rivers; but the trees were lofty and of hard timber, and of course difficult to fell. A sufficient extent of ground had there-

* Including the inhabitants of Tasmania at the period referred to. A monument bearing the following inscription has been erected to the memory of M. de la Perouse at Botany Bay:—

"À la mémoire de Monsieur de la Perouse. Cette terre, qu'il visita en 1788, est la dernière d'où il a fait parvenir de soi nouvelles. Érigé au nom de la France par les soins de MM. Bougainville et Duncunpier, commandant la frégate 'La Thétis' et la corvette 'l'Espérance,' en relâche au Port Jackson en 1825.

Le fondement posé en 1825 ;
Élévé 1828."

fore, in the first instance, to be cleared for a settlement; houses had then to be erected for the principal officers of the colony, with an hospital for the sick, a barrack for the soldiers, huts for the convicts, and a magazine for the stores and provisions.

These operations, however, proceeded but slowly; for there were only a very few mechanics among the convicts, and still fewer among the sailors and marines. Indeed, there seems to have been a strange want of foresight, on the part of the proper authorities in the mother country, in sending out so very few persons with Governor Phillip, whose abilities could be rendered available in establishing such a settlement as it was intended to form. Besides, the length and confinement of the voyage, and the necessity for subsisting for a long period on salt provisions, as the country afforded no indigenous vegetation for the sustenance of man, subjected the colony to a general attack of scurvy, under which a number of the convicts, whose constitutions were perhaps but ill adapted to withstand so calamitous a visitation, gradually sunk; while in others it induced that entire prostration of all the energies of our nature, which that singular and malignant disease uniformly occasions. Of the convicts embarked in the first fleet, forty had died on the passage, and twenty-eight during the first five months after the settlement was formed. At the expiration of that period, sixty-six were under medical treatment, and two hundred were unable to work.

In these circumstances, Governor Phillip's first care was to provide for the future subsistence of the colony, and to render it, as soon as possible, independent of supplies from England: in this particular, however, he had to encounter a serious difficulty, which, it seems, had not been anticipated. Of the convicts, very few comparatively knew anything of agriculture, and there was scarcely a single free person in the settlement who was able to instruct them. A few indi-

viduals had, indeed, been sent out by Government in the capacity of agricultural superintendents; but, on putting them to the trial, it was found, that although they professed to have been accustomed to the "farming business" in their youth, they were generally quite unacquainted with agricultural operations. In short, for a considerable period after the formation of the settlement, there was only a single individual in the colony—a man whom the Governor had hired in England as his body-servant—who could either manage the convicts successfully or instruct them in agriculture; and this person, unfortunately, died in the year 1791. In such circumstances, the reader will easily conceive how much valuable labour must necessarily have been altogether misapplied, and how much absolutely lost to the colony.

Notwithstanding these discouraging circumstances, land was cultivated in various localities. The first government-farm in the colony was an extent of nine acres of ground in Farm Cove, a little to the eastward of Sydney; but the natural sterility of the soil in that vicinity was extremely unfavourable to agricultural operations, and the crop was consequently very inadequate. A more promising situation was soon found, however, at the western extremity of the harbour, on the banks of a small stream of fresh water, about fourteen miles from Sydney. An agricultural settlement was accordingly formed in that locality, which the Governor named *Rosehill*; but finding afterwards that the natives called the place Parramatta, he substituted that name for the one he had given it—thereby exhibiting a degree of common sense, conjoined with a correctness of taste, which has been but seldom evinced by certain of his more ambitious successors. In November, 1791, there were upwards of 100 acres of land in cultivation at Parramatta; but as the soil in that vicinity is now considered of inferior quality, the produce could scarcely have been commensurate with the extent of its cultivation. In addition to the natural sterility of

the soil then under cultivation, the colony was unhappily visited, during the government of Captain Phillip, with one of those distressing droughts to which it seems periodically subject, and which, occurring at that particular crisis, was sufficient to have damped the ardour of the most sanguine of its friends.

The highly favourable account which Captain Cook had given of the soil and climate of Norfolk Island, which is situated on the twenty-ninth parallel of south latitude, to the northward of New Zealand, and the expectation that the cultivation of New Zealand flax, which is indigenous on that island, might prove beneficial to the mother country, had induced the Imperial Government to direct Captain Phillip to form a settlement on Norfolk Island. Mr. King, the second lieutenant of the "Sirius," was accordingly sent thither for that purpose, with a small detachment of marines and convicts, amounting in all to twenty-seven persons. Mr. King appears to have acquitted himself with much vigour and ability. Notwithstanding the various discouragements arising from droughts and blighting winds, as well as from the serious depredations of birds, rats, grubs, and thieves, to which the settlement was at first exposed, a large extent of ground was gradually cleared and cultivated; and the prospect of raising subsistence for a considerable population appeared in every respect more favourable than at Port Jackson. The number of persons on the island was in consequence gradually increased by successive detachments of marines and convicts from head-quarters; and in December, 1788, above a thousand bushels of wheat were reaped on the island, and a considerable quantity of maize. Mr. King had, in the mean time, been sent to England by Governor Phillip with a report of his services; and for his services in establishing the settlement he was rewarded with a pension of £500 per annum, and appointed

Norfolk Island is about seven leagues in circumference, and, except in a few places where the landing is exceedingly unsafe and precarious, is bounded by precipitous cliffs, on which the surf breaks frightfully when the wind blows with violence from any quarter. It appears to be of volcanic origin, and consists entirely of a series of hills and valleys alternating like the waves of the ocean, each of these valleys being watered with a running stream from the hills. The soil, even to the tops of the highest hills, is the richest vegetable mould, and the vegetation partakes of that intermediate character which distinguishes the temperate regions adjoining the tropics. I have already observed that the *phormium tenax*, or New Zealand flax, is indigenous on the island; and the Norfolk Island pine, which attains a diameter of nine feet, and a height of upwards of 180, throwing around it a series of branches at regular intervals, each like a beautiful Prince of Wales' feather, is perhaps the most splendid botanical production in nature. This beautiful island, which appears peculiarly adapted for the cultivation of coffee and sugar, and in the settlement of which much valuable labour and much British capital had been expended, was at length abandoned, agreeably to instructions to that effect from the Secretary of State for the Colonies, during the government of Captain Bligh; the settlers, who were living on it at the time, being unwillingly removed to a settlement called New Norfolk, in Tasmania. The change of circumstances experienced by these settlers, of whom there were no fewer than eighty so early as the year 1791, was by no means so favourable as they had been induced to anticipate; but the island was again taken possession of in the year 1825 during the government of Sir Thomas Brisbane, and it was thenceforth occupied as a penal settlement, first for the colony of New South Wales, and afterwards for that of Tasmania, till the transportation system was finally discontinued in both colonies. It has since been occupied by the descendants of

the mutineers of the "Bounty," Captain Bligh, from Pitcairn's Island, who were removed to Norfolk Island by the Imperial Government at their own desire.

Throughout the whole period of his government, Captain Phillip endeavoured, with a zeal and perseverance which evinced the correctness of his judgment and the benevolence of his disposition, to conciliate the aborigines of the territory. It was scarcely possible entirely to prevent the injuries they were likely to receive on the part of the wretchedly depraved population which had been landed on their shores ; but he uniformly punished such aggressions, when they could be brought home to any particular individual, although it not unfrequently happened that either the aggressor himself or some other white man speedily fell a victim to savage revenge. In humanely endeavouring, on one occasion, to conciliate a large party of the aborigines who had assembled near the mouth of the harbour, by advancing among them alone and unarmed, the Governor was himself speared by a black native, of a tribe residing at some distance from the settlement, who had probably never seen a white man before : but the wound not proving fatal, and the Governor having ascertained that the spear was thrown by the native under misapprehension of his intentions and in self-defence, all measures of retaliation were strictly prohibited.*

But all the efforts of the Governor, as well as of other humane individuals in the colony, to effect the permanent civilization of any of that miserable people, proved utterly abortive. There was no difficulty in inducing individuals of their number, particularly the young, to reside for a time in European families, and to acquire the habits and learn

* The spirited conduct of the native who wounded him on this occasion induced the Governor to call the place, which is on the North side of the harbour near the Heads, *Manly Beach*. It is now a favourite watering-place for the citizens of Sydney.

the arts of civilization; but sooner or later they uniformly rejoined the other children of the forest, and resumed the habits of savage life. Bennilong, an intelligent native, of some consequence in his tribe, had been domesticated in the Governor's family, and could acquit himself at table with the utmost propriety. On returning to England, Captain Phillip carried him along with him, and introduced him, as an interesting specimen of the aborigines of the colony, in many of the highest circles in the mother country: on returning, however, to his native land, Bennilong speedily divested himself of his European attire, and rejoined his tribe as a naked savage, apparently unimproved in the least degree by his converse with civilized men.

In the year 1788, the number of the aborigines inhabiting the shores of Port Jackson was very considerable: a disease, however, somewhat resembling the small-pox, which appears to have prevailed among them to a great extent, shortly after the establishment of the colony, thinned their ranks very sensibly, and left only a comparatively small number to inherit the invaded patrimony of their forefathers. Numerous dead bodies were from time to time found by the colonists in all directions in the vicinity of the harbour, in the very attitude in which the wretched individuals had died when abandoned by their tribe from fear of the pestilence. Besides, the natives could not be supposed to be so utterly devoid of understanding as not to perceive that the occupation of their country by white men was likely to diminish their means of subsistence. "White-fellow come," said an intelligent black native, of a tribe residing beyond the Blue Mountains many years ago;—"White-fellow come, kangaroo all gone!" This impression, heightened to madness, as it must often have been, by the positive aggressions of the convicts, led not unfrequently, in the earlier years of the colony, to the desultory and abortive, but murderous

efforts of savage warfare. *Commandoes*,¹ as they are called by the Dutch colonists of South Africa (for I am happy to say that the English language does not afford a word expressive of the idea), were of course fitted out against the wretched aborigines; and many of their number, I believe often with but little necessity, fell before the bullets of the military. But the vicious example of the convict population of the colony did much more to annihilate the miserable remnant of this degraded race, in all the more populous districts of the territory, than could have been effected, in a much longer series of years, by the united agency of war and famine and pestilential disease.

It seems, indeed, to be a general appointment of Divine Providence, that the Indian wigwam of North America, and the miserable break-wind of the aborigines of Australia, should be utterly swept away by the flood-tide of European colonization; or, in other words, that races of uncivilized men should gradually disappear before the progress of civilization, in those countries that have been taken possession of by Europeans. Humanity may interpose, for a season, for the preservation of the savage man, and the Christian missionary may endeavour, successfully perhaps in some instances, to raise him from the darkness and the slavery of heathenism to the light and liberty of the Gospel; but European vice and demoralization will, even in free colonies, ere long infallibly produce a rich harvest of misery and death among the choicest flowers of the forest; and the miserable remnant of a once hopeful race will at length gradually disappear from the land of their forefathers, like the snow from the summits of the mountains on the approach of spring!

Governor Phillip did all that a governor could be expected to do, in the peculiarly unfavourable circumstances

¹ Murderous expeditions against the aborigines of a country forcibly taken possession of by Europeans.

in which he was placed, for the encouragement and reward of industrious and virtuous persons, and the repression of open immorality. Observing, immediately after the formation of the colony, a tendency to the establishment of a system of profligacy, which was afterwards introduced, and but too generally countenanced, by the practice of men of influence in the territory, he endeavoured, in an Address which he delivered to all the inhabitants of the colony on the 7th of February, 1788, when the Act of Parliament, establishing the Colonial Government, was publicly read, to point out the evils that would infallibly arise from such procedure, and "strongly recommended marriage to the convicts, promising every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion." And the good effect of this highly politic and Christian recommendation was very speedily apparent; for during the ensuing week no fewer than fourteen marriages were solemnized among the convicts.

In direct opposition, moreover, to an absurd idea which seems to have been taken up by one of his successors, viz. "that the colony was intended exclusively for convicts, and that free people had no right to come to it," Governor Phillip very speedily perceived the important advantages which the colony was likely to derive from the settlement of virtuous and industrious families of free emigrants in its territory; and accordingly recommended to the Home Government to hold out every encouragement to such emigrants, and to afford them every assistance.

"The settler, to benefit this colony," observes Colonel Collins, after several years' experience of convict labour—and Governor Phillip appears to have been precisely of the same opinion—"the *bond fide* settler, who should be a man of some property, must come from England. He is not to be looked for among discharged soldiers, shipwrecked sea-

men, or *quondam* convicts."² And again, "More labour would have been performed in this country by one hundred (free) people from any part of England or Scotland, than had at any time been derived from three hundred of these people (convicts), with all the attention that could be paid to them."³

It was in consequence of these recommendations, on the part of the Governor of New South Wales, that several families of free emigrants were conveyed to the colony, at the public expense, in the year 1796, and that the free emigrant settlement of Portland-Head on the banks of the Hawkesbury was formed in the year 1802. The families who emigrated to New South Wales at these periods were allowed a free passage to the colony, at the expense of Government, a grant of land in the territory, and rations for eighteen months after their arrival, from the King's stores.

Governor Phillip's practice was in perfect accordance with the idea he had thus formed in regard to the best mode of promoting the advancement and prosperity of the colony; for of the first four grants of land that were made to private individuals in New South Wales, three—comprising an extent of two hundred and sixty acres—were made to persons who had arrived free in the colony, and one—comprising an extent of thirty acres—to an emancipated convict. These grants were all given on the 30th of March, 1791; and the localities assigned them were, the first three on the north, and the fourth on the south side of the *Parramatta River*. On the 5th of April following, grants of sixty acres each were given, at the dependency of Norfolk Island, to forty marines, who chose rather to

² Account of the English Colony of New South Wales, by David Collins, Esq., late Judge-Advocate and Secretary of the Colony. London, 1798, p. 235.

³ *Ibid.* p. 40.

remain in the colony as free settlers than to return to England with the detachment to which they belonged, and which was then ordered home. On the 18th of July, 1791, twenty-three emancipated convicts were admitted as settlers, having grants of twenty, thirty, or fifty acres allotted to them, according to circumstances—some at Prospect, a few miles to the westward of Parramatta; and others, between that settlement and the town of Sydney. And on the 17th of August following, twenty additional emancipated convicts received grants of land; ten of ten acres each in Norfolk Island, and the other ten of thirty, fifty, or sixty acres in New South Wales. In all, therefore, eighty-seven grants of land had been given by Governor Phillip up to the 18th of August, 1791; forty-three to persons who had arrived free in the colony, comprising an extent of two thousand six hundred and sixty acres; and forty-four to emancipated convicts, comprising an extent of one thousand five hundred acres.

To each emancipated convict who chose to settle in the colony on the expiration of his sentence, Governor Phillip allotted thirty acres of land; fifty acres if he was married, and ten acres additional for every child in his family. The settler of this class was also allowed clothing and rations for himself and family from the King's stores, for twelve or eighteen months, together with the necessary implements of husbandry and seed to sow his ground the first year. Two female pigs were added by way of farther indulgence, from the Governor's private stock, to enable the settler to raise a stock of that useful domestic animal for himself; as there was no live stock of any kind in the colony, at the time in question, belonging to the Crown.

These measures sufficiently evince the theoretical excellence of the system of transportation to New South Wales, as originally devised by the British legislature, and carried into operation by Governor Phillip; they also evince the

peculiar adaptation of the means employed for attaining the main object of the settlement of the colony, and the enlightened zeal with which the Governor pursued that object to the utmost of his ability. On the one hand the length and consequent expense of the voyage to England precluded the convict, on the expiration of the period of his sentence, from returning thither. I am aware, indeed, that men of morbid sensibility in the mother country have affected to consider this as a great additional hardship. For my own part, as I have very little respect for the patriotism of a thief, or for his love of country, I think it was not only an allowable, but an admirable device of the Legislature, to render the return of such persons to the mother country, in any circumstances, as difficult as possible. On the other hand, the emancipated convict had every inducement to settle in the land of his banishment, and to adopt that mode of life which was certainly the likeliest to wean him from his former habits, and to render him a reputable and useful member of society. In short, the whole system was admirably devised; and in order to have proved thoroughly successful, it only required to be managed with the same enlightened zeal and warm benevolence that superintended the first development of its unchecked operation.

The first free emigrant, and indeed the first person of any class in society, who obtained a grant of land in the colony of New South Wales, was a German, of the name of Philip Schoeffer. He had been sent out in the First Fleet as an agricultural superintendent, chiefly with a view to attempt the cultivation of tobacco, on account of Government; as the province of Virginia, from which that article had previously been obtained, had then ceased to be a British colony, and as the soil and climate of New South Wales were supposed likely to prove not unfavourable for its cultivation. Schoeffer's grant was the largest of all those I have enumerated, comprising an extent of one

hundred and forty acres. Unfortunately, however, he had contracted habits of intemperance, and accordingly contrived to get rid of it. He afterwards obtained a grant of fifty acres, in what now constitutes an exceedingly valuable locality in the town of Sydney, but was induced to surrender it to the colonial government for public purposes about the year 1807, receiving as a compensation twenty gallons of rum, which was then worth 3*l.* a gallon, and a grant of similar extent at Pitt Water, one of the inlets of Broken Bay. There had been a female convict in the First Fleet—a native of the Isle of Skye in Scotland—of the name of Margaret M'Kinnon, who had been transported for the crime of arson, having set fire to her neighbour's house in a fit of jealousy. Schoeffer married this woman, and settled on his farm at Pitt Water, where he lived many years; but old age, poverty, and intemperance induced him at length to sell it by piecemeal, and he died at last in the Benevolent Asylum, or Colonial Poors' House. I have introduced this episode chiefly to point out the sort of accidents on which the acquisition of wealth in a new country not unfrequently depends; for if Schoeffer had only retained his fifty-acre farm in Sydney for about thirty years longer, he could have sold it for at least 100,000*l.*, which, at the usual rate of interest in the colony, at that period, would have yielded him a permanent income of 10,000*l.* a year.

Governor Phillip was particularly active in exploring the country around Sydney, and in ascertaining its capabilities: he caused an accurate survey to be made of Botany Bay, Port Jackson, and Broken Bay; and in examining the numerous inlets of the last of these harbours, he was fortunate enough to discover a large river, which he traced for upwards of a hundred miles from its mouth, and named the *Hawkesbury*. The banks of this river, which in the upper part of its course consist chiefly of the richest allu-

vial soil, were for thirty years afterwards the granary of New South Wales.

It was in conducting the colony, however, with much firmness and discretion, through a period of distressing privation, to which it was subjected by an unforeseen calamity during his administration, and in alleviating the sufferings of the colonists by every means in his power, that Governor Phillip merited the highest commendation. It had been arranged, previous to his leaving England, that the settlement should never be left without a twelvemonth's provisions in the King's Stores. In pursuance of this arrangement, the store-ship "Guardian" had been despatched from England in the month of August, 1789, with a large supply of provisions and other stores for the settlement. The "Guardian" was commanded by Lieutenant Riou, of the Royal Navy, an officer of great promise, who afterwards commanded a ship of the line, and was killed at the battle preceding the seizure of the Danish fleet at Copenhagen; on which occasion the celebrated Lord Nelson, in alluding to his death in his despatch to Government, lamented him as *the gallant and good Riou*. Captain Riou had gone considerably farther to the southward than the route now generally pursued by vessels bound to New South Wales; besides, it was the middle of summer when he reached the southern latitudes, and the prevalence of southerly winds for some time before had brought down a quantity of ice from the southward; for during the night of the 23rd of December, 1789, his vessel unfortunately struck an iceberg, in lat. 46° or 47° S., to the southward and eastward of the Cape of Good Hope, and received so much injury that she was almost immediately afterwards nearly filled with water. Finding her almost a complete wreck, Captain Riou assembled the officers, passengers, and crew, and, pointing out to them the state of the vessel, told them that if any of them preferred leaving the ship, they

should have boats, provisions, and nautical instruments, to enable them to reach the nearest accessible land; but that he himself was determined to remain on board while the ship continued to float. Most of the ship's company and passengers preferred leaving the vessel; and three boats were accordingly provisioned and manned, and their crews left the ship on their dreary and almost hopeless voyage up the Indian Ocean; for as westerly winds are the most prevalent in these latitudes, they could not expect to reach the Cape of Good Hope. One of them only had the good fortune, after suffering extreme privations, to reach the Mauritius, for which, it seems, they had all steered; the other two never reached the land.

Providentially for those who remained on board the "Guardian," Captain Riou had caused the water-casks to be carefully bunged up, as they had been successively emptied on the former part of the voyage. The vessel, being thus rendered much more buoyant than she would otherwise have been, continued to float, though nearly full of water; but as she had lost her rudder, in addition to the other damage she had sustained from her collision with the iceberg, she was tossed about at the mercy of every tempest, and her greatly diminished crew were doomed to suffer the severest privations. A French frigate, however, having at length fallen in with her near the Cape of Good Hope, towed her into Table Bay, where she was afterwards completely wrecked in a gale.

The disappointment of the colony at the non-arrival of the "Guardian" may be easily conceived. It was grievously heightened by the arrival of the "Lady Juliana" transport, convicts from England, who had been deemed after the sailing of the "Guardian," in the previous arrival of the stores forwarded. The frigate "Sirius," Captain Hunter, had to the Cape of Good Hope, by way of Cape

Horn, for a supply of provisions for the settlement, in the month of September, 1788, and had returned to Sydney, after circumnavigating the globe, in May, 1789; but that supply was at length nearly exhausted, and famine was already beginning to stare the colonists in the face; for in the month of February, 1790, there were not four months' provisions in the colony, even at half allowance.

In these circumstances, Governor Phillip deemed it necessary to divide the settlement, by sending the Lieutenant-Governor, Major Ross, with a number of marines and convicts, to Norfolk Island, where he understood there were resources, which Port Jackson and the country around it did not afford. Major Ross and his officers, with two companies of marines and about two hundred convicts, together with a fair proportion of the remaining provisions and other stores, were accordingly embarked for Norfolk Island, on board the ships "Sirius" and "Supply," and arrived at the island on the 13th of March, 1790. The officers, marines, and convicts, to the number of two hundred and seventy persons, were all safely landed by the 15th; but the wind suddenly shifting to the eastward, the two ships containing all the provisions and stores, were immediately after driven to sea. They made the land again on the 19th; and observing the customary signal on shore, informing them that a landing might be effected without danger from the surf, every exertion was made to bring the vessels into a proper position for that purpose: but, in doing so, the "Sirius" unfortunately struck on a reef of coral rocks in the roadstead, and was totally wrecked, within sight of the half-famished settlement. In the evening after the frigate struck, the wind freshened again, and it was consequently no longer practicable to effect a landing by boats. As it was considered dangerous in the extreme, however, to remain longer on board the frigate, a strong hawser was carried cut from the wreck,

and fixed to a tree on shore, by means of a rope which was floated on shore through the surf by an empty cask; and by that perilous conveyance Captain Hunter and his ship's company were all successively dragged in safety, through a heavy surf and over a ragged reef, to the land. The weather subsequently becoming somewhat more favourable, the greater part of the provisions was at length happily saved from the wreck; but the officers' baggage and the other stores were for the most part lost or destroyed in attempting to float them on shore.

When the excitement produced by this distressing calamity had somewhat subsided, the Lieutenant-Governor, finding that there were five hundred and six persons on the island with provisions at half allowance for only a very short period, deemed it necessary, in consideration of the alarming situation of the settlement, and the desperate character of the majority of the convicts, to proclaim martial law in the island. This was accordingly done with great solemnity; every person on the island, from the Lieutenant-Governor to the meanest convict, testifying his assent to the measure by passing successively under the King's colours. As the "Supply" had sailed for Port Jackson a few days after the wreck of the frigate, hopes were entertained for several weeks of her speedy return to the island with the joyful intelligence of the arrival of a store-ship with supplies from England: but as week passed after week without any tidings of a vessel, it was at length concluded that no vessel had arrived, and that the Governor had been obliged, as was actually the case, to send off the "Supply" to Batavia or the Cape for provisions for the settlement. In this deplorable situation a council of the officers on the island was held on the 14th of May, 1790, and the following "General Order" was published:—

"At a meeting of the Governor and Council, held to consider of

the very exhausted state of the provisions in this settlement, and to consult upon what means are most proper to be pursued, in order to preserve life until such time as we may be relieved by some arrivals from England, of which we have been so long in expectation, but probably disappointed by some unfortunate accident having happened to the ships intended for this country; the state of the provisions having been laid before the Council, and the alarming situation of the settlement having been taken into their most serious consideration, the following ratio of provisions was unanimously resolved and ordered to take place on Saturday the 15th instant; viz.:

“Flour—three pounds per week for every grown person;

“Beef—one pound and a half per ditto, or, in lieu of the beef, seventeen ounces of pork;

“Rice—one pound per ditto.

“Children above twelve months old, half the above ratio. Children under twelve months old, one pound and a half of flour and a pound of rice per week. In future all crimes which may by any three members of the Council be considered as not of a capital nature, will be punished at their discretion by a further reduction of the present allowance of provisions.”⁴

In these distressing circumstances, Divine Providence provided a temporary relief for the settlement equally welcome and unexpected. In the quarter from which it came, it was like the manna that was rained from heaven around the tents of Israel in the wilderness, or rather like the quails that on one occasion fell for an extent of three days' journey around their encampment. “In the month of April,” Captain Hunter observes, in his narrative of the proceedings at Norfolk Island, “we found that Mount Pitt, which is the highest ground on the island, was, during the night, crowded with birds. This hill is as full of holes as

⁴ The insufficiency of the allowance issued at Norfolk Island at the period in question, may be judged of even by those who are unaccustomed to such a mode of calculating the amount of provisions required for the sustenance of a healthy person, by comparing it with the ration usually issued to convicts in New South Wales in after years, viz. ten pounds and a half of flour and seven pounds of beef per week, with an allowance of tea and sugar and tobacco.

any rabbit-warren: in these holes at this season these birds burrow and make their nests; and as they are an aquatic bird, they are, during the day-time, frequently at sea in search of food: as soon as it is dark, they hover in vast flocks over the ground where their nests are. Our people (I mean seamen, marines, and convicts), who are sent out in parties to provide birds for the general benefit, arrive upon the ground soon after dusk, where they light small fires, which attract the attention of the birds, and they drop down out of the air as fast as the people can take them up and kill them. When they are upon the ground, the length of their wings prevents their being able to rise; and until they can ascend an eminence, they are unable to recover the use of their wings: for this purpose nature has provided them with a strong, sharp, and hooked bill, and in their heel a sharp spur, with the assistance of which, and the strength of their bill, they have been seen to climb the stalk of a tree sufficiently high to throw themselves upon the wing. This bird, when deprived of its feathers, is about the size of a pigeon, but when clothed is considerably larger, for their feathers are exceedingly thick: they are web-footed and of a rusty black colour; they make their holes upon the hills for breeding their young in; they lay but one egg, and that is full as large as a duck's egg. They were, at the end of May, as plentiful as if none had been caught, although for two months before there had not been less taken than from two to three thousand birds every night; most of the females taken in May were with egg, which really fills the whole cavity of the body, and is so heavy, that I think it must fatigue the bird much in flying. This *bird of Providence*, which I may with great propriety call it, appeared to me to resemble that sea-bird in England called the puffin; they had a strong fishy taste; but our keen appetites relished them very well; the eggs were excellent.”⁵

⁵ An Historical Journal of Transactions at Port Jackson and Nor-

The colonists at head-quarters were in the mean time reduced to similar, if not greater extremities; there being no birds, like the Norfolk Island peterel, to be caught near Sydney. The whole colony was for a long time on half allowance; but even that quantity being found greater than the King's magazines could afford for any length of time, without in all probability subjecting the settlement to the horrors of absolute famine, a further reduction was ordered.⁶ Indeed, the privations and sufferings of the first colonists at this period were extreme. A wealthy and respectable inhabitant of Sydney, who arrived in the colony as a free person during the government of Governor Phillip, in after years told me himself that his ration for a long period was merely a cob or single head of maize or Indian corn a day, and that *for three years he had lived in the colony in the constant belief that he should one day perish of hunger!*

The energy and decision of character, tempered with the utmost humanity, which Governor Phillip uniformly evinced in these trying circumstances, was a powerful means of inducing the colonists to submit to so calamitous a dispensation of Providence with un murmuring patience. The Governor received daily the same ration as the meanest convict in the territory; and on those occasions on which the established etiquette rendered it necessary that he should invite the officers of the colony to dine with him at Government House, he usually intimated that they must bring their bread along with them, as he had none to spare;

folk Island, &c., by John Hunter, Esq., Post-Captain in his Majesty's Navy. London: Stockdale, 1793, pp. 180, 181.

⁶ The weekly ration issued at Sydney from and after the 20th of April, 1790, was—

Two and a half pounds flour	} per man.
Two pounds rice	
Two ditto pork	

But this ration was still further reduced on hearing of the wreck of the "Sirius" at Norfolk Island.

having previously surrendered the whole of his own private stock of flour—three hundred weight altogether—for the public service. On one of these occasions a humorous officer is said to have marched up to Government House with his loaf—one doubtless of very small dimensions—stuck upon the point of his sword. Indeed, it was greatly owing to the prudent management of Governor Phillip, that the settlement was not entirely abandoned (for the proposal to abandon it was actually made, but overruled by the Governor), amid the real hardships that attended its original formation. Various interesting traits of his character in this respect were long mentioned with interest by the older inhabitants of the colony; one of these is sufficiently characteristic:—On seeing any person with a dog in the course of his walks through the settlement, indignant at the maintenance of a useless mouth in the colony, and yet desirous that the owner of the dog should have a more valuable domestic animal, he would say, "Kill your dog, sir, and I will order you a pig from the store."

During this period of suffering, the whole of the live stock belonging to Government, which had been brought to the colony from the Cape with so much trouble and at so great an expense, was killed for the subsistence of the settlement; and as the insufficiency of the ration issued from the King's Store induced a state of extreme bodily exhaustion, all the Government works were suspended, and every person, whether free or bond, was allowed to employ himself for his own benefit as he chose.

The long-expected relief at length arrived. In the end of June, 1790, three transports arrived in Port Jackson, containing part of the stores which had been saved from the "Guardian;" and in the course of the year following, the ship "Gorgon," which had been converted for the time into a store-ship, together with ten transports containing convicts, and constituting what was long afterwards known in the

colony as the Second Fleet, also arrived. The mortality among the convicts who had been embarked in these vessels was absolutely frightful; in the "Surprise," there had been forty-two deaths during the passage out; in the "Scarborough," sixty-eight; and in the "Neptune," one hundred and sixty-four! On board the ten transports that formed the Second Fleet there had been embarked in England one thousand six hundred and ninety-five male, and sixty-eight female convicts, of whom no fewer than one hundred and ninety-four male and four females died on the passage out; and such was the state of debility in which the survivors landed in the colony, that one hundred and sixteen of their number, viz. one hundred and fourteen males and two females, died in the Colonial Hospital before the 5th of December, 1791. Of one hundred and twenty-two male convicts also, who had arrived per the transport "Queen," from Ireland, in the year 1791, there were only fifty alive in the month of May, 1792.*

Indeed, the mortality, both on shore and on the voyages undertaken to and from the colony in the earlier years of its existence, was great beyond all comparison with the experience of later years. In the transports hired by Government to convey convicts to New South Wales for some time previous to the discontinuance of transportation to that colony, the average mortality was perhaps not greater than two or three deaths for each vessel during the passage out; and there were instances of vessels arriving from England without having had a single death during the

* Calamitous, however, as this mortality undoubtedly was, it actually prevented the occurrence of something much worse, viz. the utter annihilation of the colony from absolute starvation. "Had not such numbers died," observes Colonel Collins, "both on the passage and since the landing of those who survived the voyage, we should not at this moment have had any thing to receive from the public stores; thus strangely did we derive a benefit from the miseries of our fellow-creatures."—*Collins*, p. 211.

voyage. In the Second Fleet, however, the average mortality was twenty for each vessel; and the survivors were half-dead, or at least quite unfit for labour, when they landed.

The mortality on shore during the first years of the colony, contrasted with the universally acknowledged salubrity of the climate of New South Wales, may easily be accounted for. It arose—

1st, From the effects of the very inferior system of management on shipboard during the voyage out, as evinced in the case of the convicts of the Second Fleet, contrasted with the high state of health in which convicts generally arrived in the colony at a later period.

2nd, From long confinement to a ration of salt provisions, sometimes of inferior quality, and generally in insufficient quantity; and,

3rd, From the mental despondency which an insufficient allowance of provisions, conjoined with the miserable prospect which the colony then appeared to hold forth to all parties, naturally induced.

The sufferings experienced from the second of these causes on board the vessels constituting the First Fleet, on their return to England from Port Jackson, were exceedingly great. Four of these vessels sailed from Sydney, by the northern passage, round the continent of Australia, under the command of Lieutenant Shortland, agent for transports, in the month of May, 1788: but two of their number being separated from their leader, in a gale off the coast to the northward of Port Jackson, stood to the southward, and, doubling the south cape of Tasmania, reached Rio de Janeiro by the western passage, in such a state of extreme debility and exhaustion, however, that if a frigate then on the Brazilian coast had not sent her boats to assist them, they would not have been able to work up to the harbour. Lieutenant Shortland proceeded with the

two remaining vessels to Batavia; but scurvy attacking first the one ship's company, and then the other's, so many on board both vessels died, and so many of the remainder were rendered utterly unfit for service, that he was obliged to scuttle and sink one of the ships off the island of Borneo.⁸

The sufferings that were thus experienced by all parties connected with the original establishment of the colony of New South Wales were taken advantage of by ignorant or designing persons, to induce numbers of the convicts, and especially the Irish convicts, who, in the colonial phrase, were generally *no scholars*, to attempt the most desperate expedients to escape from the colony. Under the idea of finding a Chinese settlement to the northward, parties were ever and anon made up to travel overland to China; and many individuals, who either perished of hunger or were speared by the aborigines, speedily fell victims to this strange infatuation. At one time no fewer than forty convicts were absent from the settlement on the way to China!

A more successful and somewhat romantic attempt to escape from the durance vile of the colony was made on a different element in the year 1791. William Bryant, a convict fisherman employed for the settlement, stole a Government fishing-boat, and escaped from the colony with his wife and two children, and seven other convicts, with the intention of reaching England by way of Timor and Batavia. Bryant had obtained from the master of the Dutch snow, "*Waaksamheid*," which had been chartered to bring provisions to the colony from Batavia, after the wreck of the "*Sirius*" at Norfolk Island, a mariner's compass, a quadrant and a chart, together with such information as might assist him in reaching Timor. He was himself well acquainted with the management of a boat,

⁸ Of both crews only one man was able to go aloft when the remaining vessel reached Batavia.

and so also were two of his associates. They had laid up a supply of provisions beforehand, and they sailed the same day as the Dutch vessel sailed for England. Incredible as it may seem, they actually reached Timor, and afterwards Batavia. There Bryant died, as also one of his children and two of the convicts, a third having been drowned in the Straits of Sunda. The four remaining convicts, with the woman and child, were apprehended in Batavia by the Dutch government, and delivered up to Captain Edwards, of H.M. ship "Pandora," who afterwards conveyed them from the Cape of Good Hope to England. They excited extraordinary interest on their arrival in London, but the returned convicts were imprisoned for the remainder of their original sentence.

After the arrival of the Second Fleet in the year 1791, the affairs of the colony began to wear a more favourable aspect, and the prospect for the future was, on the whole, rather encouraging, when Captain Phillip, whose health had for some time been in a declining state, resigned the government of the colony, and embarked for England on the 11th of December, 1792 ; having administered its affairs with much credit to himself, and with general satisfaction to the little community, for nearly five years. During the remainder of his life he lived at Bath, and had a pension of 500*l.* a year for his services in establishing the colony. Many years before his death, which took place in the year 1814, he had attained the rank of Vice-Admiral in the Royal Navy.

To sum up the character of this estimable man—Governor Phillip was ardent and uncompromising in the discharge of the duties of his office. His temper was somewhat quick, and his disposition peremptory ; and he was punctiliously jealous, moreover, of the respect due to his station. But if not distinguished for amenity of manners, he was nevertheless a man of real benevolence, who had the welfare of the colony he governed deeply at heart.

During the administration of Governor Phillip, in the year 1791, the noble harbour of King George's Sound, which of late years has become a place of considerable importance in connexion with the establishment of steam communication between England and Australia, was discovered by Captain Vancouver of the Royal Navy, whose name is so honourably connected with the cause of geographical discovery on the north-west coast of America. It is situated near Cape Leeuwin, on the south coast, within the limits of the colony of Western Australia, or Swan River. And in the year 1792, D'Entrecasteaux' Channel, which separates Bruné Island from the main-land of Tasmania, was discovered by the French admiral, whose name it bears, in the course of his unsuccessful expedition in search of the unfortunate La Perouse.

At the close of the year 1792, the quantity of live stock, as well as of land in cultivation, in the colony, was as follows ; viz.

Horned cattle, old and young	23
Horses	11
Sheep, which were then selling at 10l. 10s. each . .	105
Hogs	43

Land in Cultivation.

Acres in wheat	208½
„ barley	24½
„ maize	1186½
„ gardens	121½
„ cleared	161½

1703

The population at the close of the administration of Governor Phillip could scarcely have exceeded 3500 souls, exclusive of 889 persons of all ages in Norfolk Island ; as in June of the following year, it amounted to 3959 : the mortality during the year 1792 amounted altogether to 478 persons.

CHAPTER III.

STATE AND PROGRESS OF THE COLONY DURING THE
ADMINISTRATION OF GOVERNOR HUNTER.

"And they sent *the coat of many colours*, and they brought it to their father, and said, This have we found, know now whether it be thy son's coat or no."—GEN. xxxvii. 32.

IN the years 1790 and 1791, a military corps, designated The New South Wales Corps, which was afterwards embodied as the 102nd Regiment of the Line, was raised in England for the service of the colony. That service, it may naturally be supposed, was not considered, at so early a period in the history of the Australian colonies, either as the most dignified or the most enviable in which a British officer could be engaged; and commissions were consequently procurable in the New South Wales Corps on much easier terms than in certain other military bodies, such as the Guards or the Blues. It was, therefore, quite possible that gentlemen might have found their way into that corps who possessed, only in a very limited degree, that honourable high-mindedness which should ever constitute the proud distinction of the British officer; combining, as he is supposed to do, the elegant accomplishments of the gentleman and scholar with the unexceptionable morals of the reputable citizen, and holding in equal abhorrence the practices of the pettifogging dealer and the profligacy of the dissipated man. And if this was actually the case, it was not to be expected, at that members of the corps I allude to should, of time, be found sullyng their hands with colonial pollution, and banded together, on ev

occasion, to maintain, by violence or injustice, what they had obtained by the sacrifice of honour. In short (for I have no wish to be a dealer in enigmas) I am decidedly of opinion that the formation of the New South Wales Corps was, both in a moral and political sense, the most ill-advised and unfortunate measure that the British Government could possibly have adopted towards their infant settlement on the coast of New Holland; and that, like the wrath of Achilles to the Greeks, *it entailed ten thousand sorrows* on the colony of New South Wales.

The greater part of the New South Wales Corps arrived in the Second Fleet; and, as Captain Phillip's successor did not arrive till the 7th of September, 1795, the government of the colony was administered, for nearly three years, by the commanding officers of that regiment; first by Major (subsequently General) Grose, and afterwards by Captain (subsequently Lieutenant-Colonel) Patterson, as lieutenant-governors of the territory. Of the public character of the former of these gentlemen, who was a near relative (I believe a son) of the famous antiquary of the name, I am unable to speak particularly, excepting that the first use he made of his power was to merge the civil in the military authority, or rather to set aside the former in great measure altogether;¹ but Captain Patterson appears to have been a

¹ This was virtually done in the First General Order of Lieutenant-Governor Grose, which was as follows :—

"All orders given by the captain who commands at Parramatta, respecting the convicts stationed there, are to be obeyed; and all complaints or reports that would be made to the Lieutenant-Governor, when present, are in his absence to be communicated to Captain Foveaux, or such other captain as may be doing duty with the detachment."

Similar regulations were enforced in Sydney, where it was also directed "that all inquiries by the civil magistrates were in future to be dispensed with until the Lieutenant-Governor had given directions

highly intelligent and amiable man, who did not choose to hold the reins of government with a tight hand, but allowed things to take their natural course. The taste for governing on the small scale, and the means of rendering the resources of the Government indirectly subservient to their own private interests, which were thus acquired by the officers of the New South Wales Corps, were likely, even in less favourable circumstances, to have operated afterwards as a drag on the wheels of the colonial state-carriage, impeding its movements, and rendering its progress irregular and uncertain. In conformity to what might thus have been expected, the history of the colony, for the next fifteen years, exhibits little else than a series of struggles for the mastery, between the governor on the one hand, and that powerful and influential body on the other; till at length, the warfare which had long been carried on covertly, and by means of private representations to the authorities at home, assumed a less doubtful character; insomuch that the corps proceeded at last with open violence to wrest the reins of government out of the hands of the representative of majesty, and actually forced him out of the colony !²

The extraordinary fluctuations in the value of articles of domestic consumption, to which the colony was subject

on the subject; and the convicts were not on any account to be punished but by his particular orders."—*Collins*, p. 254.

This was a formal abolition of the civil authority and the substitution of a military despotism in its stead.

² In the year 1824, the late John Macarthur, Esq., who arrived in the colony in the year 1790 as captain and paymaster of the New South Wales Corps, but who was afterwards a merchant in Sydney, and subsequently an extensive proprietor of land and stock, stated in my hearing, with evident feelings of self-satisfaction, that he had the means of sending home every governor of the colony but two (meaning Governor Macquarie); and I am greatly mistaken if I do not render the same service to the then reigning Governor as Thomas Brisbane.

for many years after its original establishment, and the extraordinary profits that were not unfrequently realized on the investment of a small capital in mercantile speculation, afforded the officers of the New South Wales Corps both a temptation and an excuse for endeavouring to eke out their military income, which, in such circumstances, was often inadequate enough, by engaging either directly or indirectly in such speculations. The position, moreover, which they held for a considerable time in the colony, afforded them singular advantages in this respect; for as the king's stores contained whatever was supposed necessary for the comfortable subsistence of the settlement, there were ways and means of procuring from that source occasional supplies of useful articles at prime cost, which could afterwards be retailed at an enormous profit. The article then, and for many years after, in most frequent requisition throughout the colony, was rum; and in process of time it came to be established as a general rule, that there should be certain periodical issues of that article (as, for instance, on the arrival of a merchant-ship) to the officers of the corps, in quantities proportioned to the rank of each officer.

• The business of buying and selling, especially when attended with unreasonable profits, is so apt to foster the selfish feelings, and holds out so many temptations to the indulgence of a grovelling disposition, that I have often thought that it would be good policy in a government administering the affairs of one of those money-making communities called colonies, to countenance and encourage what are commonly called the liberal professions, if it were only because they have a powerful tendency to bring into play the higher and nobler feelings of our nature. Certain it is, that the man who devotes all his energies to the mere concerns of buying and selling will at length come to estimate everything, not according to what it is really worth,

but only according to what it will *bring*. In this manner the very expansion of mind, which success in mercantile speculations generally induces, has a tendency to produce a corresponding degree of moral degradation; for the man who begins the world by buying and selling oranges, which is a lawful employment, and may therefore be honestly engaged in and honestly conducted, will perhaps end the matter by buying and selling seats in Parliament, i. e. by buying and selling the liberties of his country, which it is as infamous to buy as it is traitorous to sell.

Whether a process of this kind was in progress in the New South Wales Corps it is not necessary to determine; certain it is, that instead of occupying the high standing which it was incumbent on gentlemen of an honourable profession to have uniformly maintained, especially in a convict-colony, the officers of that Corps, from being buyers and sellers in general, gradually conceived the idea of establishing themselves as the only buyers and sellers in the colony. When a merchant-ship arrived in the harbour, the officers of the Corps got the first sight of her *manifest* and the choice of her cargo; and they had ways and means of allowing the free or emancipated convict-merchant to follow only at a humble distance in their wake. In short, the Honourable the East India Company were not the only military trading company, at the period in question, beyond the Cape of Good Hope. In the sale of tea and other India or China produce, of West India rum or Bengal arrack, and of soft goods or hardware of British manufacture, their example was diligently and successfully copied on the small scale by their military brethren in New South Wales.

The retail trade was in the meantime variously managed. Most of the non-commissioned officers of the Corps licenced to sell spirits, and in this manner the superfluous rum of the regiment was disposed of to the greatest advantage. It may be questioned, indeed, whether this

altogether in accordance with the declared intentions of the British Government, either in regard to the colony, as a place for the reformation of convicts, or in regard to the duties of those to whom their moral guardianship was entrusted; but then a much more important question recurs, for in what other way could the gentlemen of the New South Wales Corps have disposed of their surplus rum?

I have already pointed out the salutary effects of Governor Phillip's recommendation relative to marriage. Had that recommendation been followed up by a suitable practice on the part of those into whose hands the government of the colony subsequently fell, the result, I am quite confident, would have been gratifying in the extreme. But the officers of the New South Wales Corps were neither all married nor all virtuous men. Some of them, it is true, lived respectably with their families and set a virtuous example to the colony, even in the worst times; but the greater number took female convicts of prepossessing appearance under their protection, and employed them occasionally in the retail business. In so small a community as that of New South Wales, at the period in question, a *liaison* of this kind could scarcely be concealed. In fact there was no attempt at concealment: decency was outraged on all hands, and the prison population laughed at their superiors for outdoing them in open profligacy, and naturally followed their example!

In a colony established for such purposes as that of New South Wales it was, doubtless, a matter of the highest importance, nay, even of absolute necessity, that the officers, whether civil or military, in connexion with the government of the colony, should, in the first instance at least, have been married men—men of established moral character; and no person can doubt for a moment that it was quite in the power of the Home Government to have

found persons of this description in sufficient number to have enabled them to give appointments in the colony to such persons exclusively. It unfortunately happened, however, in the earlier times of the colony, that a large proportion of the civil and military officers of the settlement were unmarried men, of loose principles and dissolute habits, who, setting at defiance the laws of God and the opinions of virtuous men, lived in a state of open and avowed profligacy, thereby setting an example which was but too generally followed by the convicts, and the demoralizing and debasing influence of which was long widely perceptible throughout the territory, for it was a lamentable fact in the history of New South Wales that the progress of reformation, which, under a judicious system of management, and under the guidance of virtuous and philanthropic men, would have been rapid and general among the convicts, was checked at the very outset, and was ever afterwards, during the whole period of the existence of the colony as a penal settlement, counteracted at every step by the vicious practices and the demoralizing example of no inconsiderable proportion of the free inhabitants of the colony.

It was not to be supposed that such a system as the one I have described, in regard to the New South Wales Corps, could be witnessed without much personal annoyance by the earlier governors of the colony, or borne without much murmuring and complaint by the colonists. Acrimonious bickerings on the subject were in consequence incessant; but every endeavour to put down the obnoxious system was unavailing, and was only met by reiterated complaints to His Majesty's ministers, on the part of injured officers of the corps, which, unfortunately for the colony, were not unfrequently too successful. There were ladies, connected with the New South Wales Corps, who could wield tongues and hands

the favourite system as well as their protectors could wield pens and swords; and the armed confederacy was consequently much too strong for the *sailor-officers*, who successively stood singly at the helm of the little colonial state-vessel for the first twenty years after she was launched, and who accordingly relieved each other with a rapidity which, for so distant a colony and so apparently undesirable a situation as the Governorship of Botany Bay, was perfectly unaccountable.

The second Governor of New South Wales was John Hunter, Esq., post-captain in the Royal Navy. Captain Hunter was a native of Scotland, and had been appointed, in virtue of a special Order in Council, second captain of the "Sirius" frigate, in the year 1787; Captain Phillip having the temporary command of that vessel during the voyage to New South Wales, as well as the general command of the expedition for the establishment of the colony. In this capacity Captain Hunter had made great exertions and undergone great privations, and the experience he had thus acquired was well calculated to qualify him for the more important charge with which he was afterwards entrusted. After the wreck of the "Sirius" and his long detention at Norfolk Island, Captain Hunter had returned to England in the Dutch transport-ship "Waaksamheid" (Anglice "Activity"), which had been hired at Batavia to carry provisions to the colony, and was afterwards purchased by the Government to convey Captain Hunter, with his officers and crew, to England.

Captain Hunter assumed the government of the colony on the 11th of September, 1795. During his government, the first free settlers, who had emigrated to New South Wales in pursuance of Governor Phillip's recommendations, arrived in the territory; and one of their number—a Scotchman from the neighbourhood of Edinburgh, whose sons were long afterwards substantial landholders in different

parts of the territory—has told me, that the governor went with him in person to superintend the measurement of his land, and to ascertain in what way he could promote his settlement, and render it as comfortable as possible. Indeed, Governor Hunter appears to have been a man of sound judgment, of strictly virtuous principles, and of warm benevolence ; and had he not been counteracted by the influence and the practices I have already described, the colony would have prospered greatly under his administration, and profligacy would have hidden its head and been ashamed.

As a specimen of the sort of counteraction to which the earlier governors of the colony were not unfrequently subjected, in making arrangements for the general benefit of the settlement, as well as of the spirit in which such interference was regarded by Governor Hunter, I relate the following anecdote of the period I refer to. A mean and disreputable practice long prevailed in the colony, both in regard to governors and to private individuals of respectable standing in colonial society, viz. that of sending home clandestine, and of course generally false information, relative to their private character or public procedure ; either to the Colonial Office, in the case of governors, or to those influential persons or public bodies with whom it was of consequence to the other individuals I allude to to stand well. Captain Hunter was, on one occasion, the subject of the private communications of some colonial informer-general of this kind ; but his Grace the Duke of Portland, who then presided over the department of the Colonies, would not suffer an honest man to be thus stabbed in secret, and accordingly sent back the identical letter he had received, without note or comment, to the governor. Captain Hunter handed it one day after dinner to a Scotch medical officer, who happened to be dining with him at Government House. "You will surely take notice of

this, Governor," said the officer. "No," replied Captain Hunter, "the writer of this letter has a family; and if I should take any notice of it, I should only ruin his family. I will rather let him alone."

Governor Hunter soon found that the machine of government was not likely to move as it ought, while its wheels were clogged in the manner I have described. He accordingly represented the actual state of the colony in this important respect to the authorities at home, and, to remedy the enormous existing evils, strongly recommended that the New South Wales Corps should as speedily as possible be relieved by a detachment of marines—a species of force which ought, indeed, never to have been changed, so long as the government of New South Wales was entrusted to an officer of the navy. These representations appear to have been attended to; for some time afterwards a large body of marines was actually under orders to embark for the colony to relieve the New South Wales Corps; but the exigencies of the war with France rendering their services necessary at the time in some other quarter, their destination was subsequently changed.

The importance of the measure he had thus recommended for the future government of the colony, and the state of uncertainty in which he was long placed by the artful manœuvring of parties, whose interests were diametrically opposed to such arrangements, at length induced Governor Hunter to embark for England; which he did accordingly, in the month of September, 1800, to represent the state of the colony in person to the home government.³ On his arrival in England, it was understood for some time, both

³ Certain important despatches on the state of the colony had been transmitted to England, by Governor Hunter, by a vessel which was taken by a French privateer ere she reached her destination. This necessarily occasioned much suspense, and made the Governor's position a very uneasy one.

by himself and his friends, that he would return to New South Wales to resume the government of the colony ; but whether any adverse influence had been employed by individuals connected with the colony to prevent his return, or whether a more favourable prospect had in the meantime opened up to him in the mother country, I am not aware : at all events he never returned to New South Wales.

Shortly before the arrival of Governor Hunter, Messrs. Muir, Palmer, Skirving, Margarot, and Gerald, who had all been tried and found guilty of *stimulating the people of Great Britain to effect a reform of Parliament* in the year 1793, arrived in the colony under sentence of transportation ;⁴ Mr. Palmer—who had been a clergyman—for seven years, and the others for fourteen. Mr. Gerald, who was a native of the West Indies, died of consumption on the 16th of March, 1796 ; and Mr. Skirving of dysentery—probably induced by the use of salt provisions—three days after. Mr. Margarot lived to return to Scotland on the expiration of his period of transportation ; and Mr. Palmer died on his way to England. Mr. Muir's history is well known. He was of highly respectable parentage in the west of Scotland, and had practised as an advocate at the Scottish bar. His case having excited a deep interest in America, the "Otter," an American vessel bound for the north-west coast of that continent, was hired by certain gentlemen in Philadelphia or New York to touch at Port Jackson, for the express purpose of carrying him off from the colony. The plan proved successful ; and, on effecting

⁴ The sentence passed on these unfortunate men was not merely harsh and vindictive, but absolutely illegal. By the law of Scotland on which they were tried, they could only have been sentenced (under the statute of leasing-making, which was passed previous to Union) to banishment from that kingdom ; transportation, or banishment to a penal settlement, being then unknown to the Scottish

his escape, Mr. Muir left a letter to the governor, stating that he did not intend to infringe the laws of his country by returning to Great Britain, but that he would endeavour to reach America, where he would practise as a barrister till the expiration of his sentence should allow of his returning to Scotland. The "Otter" was unfortunately wrecked on the west coast of America to the northward of California; but Mr. Muir was fortunate enough, after suffering much hardship and privation in travelling along the coast, to reach the city of Mexico, from whence he obtained a passage to Europe in a Spanish frigate. The frigate was fallen in with, however, by a British man-of-war off Cadiz; and in the action that ensued and that issued in the capture of the frigate, Mr. Muir was dangerously wounded, part of his brain being actually shot away. In this condition, and when lying apparently dead on the deck of the frigate, he was accidentally recognized by a Scotch officer, who had previously known him, from a small pocket Bible which had been given him by his mother, and which he held in his hand with the grasp of death. The officer humanely concealed the circumstance, but had him conveyed to an hospital on the Spanish coast, where every attention was paid him, and where he recovered sufficiently to enable him to proceed to Paris, on the invitation of the French government, where he was treated with the most marked attention. He died, however, shortly after,—I believe in consequence of his wound. Mr. Muir had purchased a cottage near Sydney, where he passed his time chiefly in literary retirement. Every thing that enlightened delicacy could suggest had been done by Governor Hunter to render his situation, and that of his unfortunate friends, as little painful as possible; and they were only known and regretted in the colony as men who had themselves experienced all the bitterness of misfortune, but who were still willing to exert themselves to the utmost in relieving the miseries of others.

Shortly after the first settlement of the colony, two bulls and four cows had escaped from the government herd, through the carelessness of the stockman, and were irrecoverably lost. This was universally felt as a serious calamity at the time, as the importation of stock into the colony from so great a distance as India or the Cape of Good Hope was a matter of great uncertainty, as well as of enormous expense. Soon after the arrival of Governor Hunter, however, it was ascertained, to the great joy of the colonists, that the missing cattle had not perished, as had been feared, but had found pasture and been increasing at a great rate in the interior. For certain natives from the south-westward, who had come to attend a *Corroboree*, or native dance of the aboriginal tribes around Sydney, imitated in their own dances the bellowing and butting of the strange animals they had seen in their wanderings with such perfection that the mystery of their existence was at once revealed. The cattle had discovered a large extent, about 60,000 acres, of very superior pasture, in a place since called from the circumstance the *Cow Pastures*, about forty miles from Sydney, where they had increased and multiplied to upwards of sixty head. For many years thereafter this herd, which was at one time very large, was regarded as a valuable article of government property, and was accordingly preserved from depredation with great care by the successive governors. But being originally from the Cape, and of a very inferior breed, they became at last so great a nuisance to the colonial proprietors of stock, by mixing with their improved breeds from England, that they were shot, during the government of Sir Thomas Brisbane, in the year 1824.

During the administration of Governor Hunter, the colony made considerable progress, and the land was consequently improved. The herds of cattle and sheep were furnished with most

not a few of the luxuries of life, through the intercourse that had then been recently opened with India; and the years of toil and famine were consequently forgotten. To each of the Government or military officers who had agricultural establishments in the colony, Governor Hunter allotted ten convicts as farm-servants, and three as house-servants. To each of the free emigrant settlers he allotted five convicts; to superintendents, constables, and store-keepers, four each; to marines who had become settlers, two; to emancipated convict settlers, one; and to sergeants of the New South Wales Corps, one each. The attempts to introduce cattle into the colony had generally been unsuccessful, most of them having died on the passage; horses, sheep, goats, pigs, and poultry, however, had been introduced in greater numbers. The price of a cow, about a year after Governor Hunter arrived in the colony, was 80*l.*; a horse cost 90*l.*, and a sheep of the Cape breed 7*l.* 10*s.*; a breeding-sow sold for 5*l.*; geese and turkeys for a guinea each, and ducks for 10*s.* a couple. Mutton was 2*s.* a pound, goat's flesh 1*s.* 6*d.*, and butter 3*s.* Wheat sold for 12*s.* a bushel, and barley for 10*s.* Green tea was 16*s.* a pound, raw sugar 1*s.* 6*d.*, and soap 2*s.* Articles of the commonest description, however, for domestic use, were often sold at the most extravagant prices. For example, "at a sale in Sydney, in March 1798, twenty-two shillings were paid for one common cup and saucer!"

A small printing-press had been carried out to the colony by Governor Phillip, but had never been turned to use during his administration. It was used for the first time by Governor Hunter, in November, 1795, for printing public notices and Government orders; George Howe, from the island of St. Christopher in the West Indies, being the first government printer. The first place of worship erected in the colony (St. Phillip's Church, Sydney), was also erected by Governor

Hunter.⁶ In the year 1793, two Spanish discovery ships—the “Descubierta” and “Atrevida,” “Discovery” and “Intrepid,”—under the command of the Marquis de Malaspina, having touched at Sydney in the course of their voyage, the priest on board the Admiral’s ship, when told that there was no place of worship in the colony, although it was then in the sixth year of its existence, expressed his astonishment at the circumstance and observed that if the country had been colonized by *his* nation, there would have been a house for God erected before they had reared one for man.

The population of the colony, at the close of the year 1800, when Governor Hunter embarked for England, was 5547 persons, including 776 children; in Norfolk Island, 961, total, 6508. Of this population, about one third was located in Sydney, and the rest at Parramatta, Prospect, Toongabbee, and Castlehill, agricultural settlements in the interior. The following Statistical notices of this period will not be uninteresting.

Live stock and land in cultivation, in 1800 :—

Horses	.	.	.	.	.	.	203
Cattle	.	.	.	.	.	.	1044
Hogs	.	.	.	.	.	.	4017
Sheep	.	.	.	.	.	.	6124
Goats	.	.	.	.	.	.	2182
Acres of land in cultivation	.	.	.	.	.	.	7677

Extent of land granted from 22nd February, 1792, to 25th September, 1800 :—

⁶ Governor Hunter was a Scotchman and a Presbyterian, and the only saint whom he seems to have recognized was his late chief, Governor Phillip, in honour of whom—and not of his namesake the apostle—he named the church *St. Phillip’s Church*. Such was the primary aspect of Apostolical Succession in New South Wales.

By Governor Phillip . . .	3,339 acres.
By Lieut.-Governor Grose . .	10,674 ditto.
By Lieut.-Governor Patterson .	4,965 ditto.
By Governor Hunter . . .	28,650 ditto.
Total . . .	47,678 acres.

For the impulse and encouragement which he gave to maritime discovery along the coasts of Australia, during the whole course of his administration, Governor Hunter deserves the highest praise.⁶ In running along the east coast, from the southern extremity of Tasmania to Botany Bay and Port Jackson, in the years 1788 and 1790, he had been led, from the strong easterly current which he had experienced on that part of the coast, to entertain the opinion that a strait or deep gulf would be found to intersect the land between Maria ' Island, to the northward of Tasmania, and the thirty-eighth parallel of south latitude, where the main-land had been first fallen in with by Captain Cook. It was not, however, till the year 1798 that this important problem was finally solved, chiefly through the heroism and self-devotion of Mr. George Bass, surgeon of H. M. ship "Reliance," who had in the meantime arrived in the colony. Mr. Bass had previously made a sort of experimental excursion along the coast to the southward, in company with Mr. Matthew Flinders, a kindred spirit, who was then a midshipman in the navy, in a small boat of only eight feet long, called the "Tom Thumb,"

⁶ "Governor Hunter has been frequently heard to say that, with a few small vessels, perhaps three or four, if he could have obtained them, or if his instructions would have permitted his building them, he would, in the course of a short period, have gained some acquaintance with all that part of the coast which Captain Cook had not an opportunity of examining minutely."—*Collins*, 329.

⁷ This is Tasman's Maria once more.

in which they had discovered and entered an inlet in the fertile district of Illawarra, about fifty miles to the southward of Sydney, since called Tom Thumb's Lagoon. But in December, 1797, Mr. Bass was permitted by Governor Hunter to make an experiment of a much more adventurous character, viz. to ascertain whether there was really a strait between Tasmania and Australia. For this purpose he obtained a whale boat, a crew of six volunteers from the ships then in port, and six weeks' provisions. With this slender equipment, he set sail on the 3rd of December, 1797, and on the 6th discovered Shoal Haven and the Shoalhaven River, with a large extent of rich country on its banks, in latitude $34^{\circ} 52'$ south. Entering Jervis and Bateman's Bays, which had previously been explored, on his course to the southward, he discovered Twofold Bay, near the south-eastern extremity of the land, on the 19th, and then doubling Cape Howe, stood to the westward, discovered, and passed Wilson's Promontory, the southern extremity of the Australian land, and reached the noble harbour of Western Port on the south coast, which he also discovered, on the 4th of January, 1798. With occasional supplies of birds, fish, and seals' flesh, he had lengthened out his scanty supply of provisions to eleven weeks; returning to Port Jackson on the 24th of February, 1798, and thus performing the unprecedented achievement of a voyage of maritime discovery of 600 miles, to which he had virtually solved a most important problem in open boat.

Although the insularity of Tasmania was fully determined, Governor Hunter despatched Mr. Bass and Bass, during the year 1798, to follow up the discovery which had thus been made. In the course of this voyage they discovered the Derwent, the Rymple and the Tamar River in the north, and circumnavigated that island. The

had thus discovered was named by the governor, in honour of his great merit, Bass's Strait. In regard to the subsequent career of this meritorious officer, it may not be out of place to add that Mr. Bass afterwards entered into partnership with the owner of an armed vessel, to carry on a sort of forced trade with the Spaniards on the coast of South America ; but, being seized by the authorities at Valparaiso, together with several of his shipmates, when unfortunately off his guard, he was sent to the mines, where he doubtless perished miserably.

In the year 1799, Mr. Flinders was again despatched by Governor Hunter to explore Glasshouse or Moreton Bay, and Hervey's Bay, two inlets to the northward, which had been indicated, but not examined by Captain Cook. In the course of this expedition Mr. Flinders discovered and partially surveyed Shoal Bay in $29\frac{1}{2}^{\circ}$ south latitude, and was for some time at anchor in Moreton Bay; but the expedition, as he states himself in the following paragraph, was not attended with any important or gratifying results.

"I must acknowledge myself to have been disappointed in not being able to penetrate into the interior of New South Wales, by either of the openings examined in this expedition ; but, however mortifying the conviction might be, *it was then an ascertained fact* that no river of importance intersected the east coast between the 24th and 39th degrees of south latitude."—Flinders, Introduction, p. ccii.

So far, however, was this supposed fact from having been definitively ascertained by Mr. Flinders on the occasion in question, that two of the largest rivers on the east coast of Australia were subsequently discovered in the two bays in which he had himself anchored in this expedition, viz. the Clarence River in Shoal Bay, and the Brisbane River in Moreton Bay.

During the government of Captain Hunter, a commodious

harbour for small vessels was discovered by Lieut. Shortland, on the eastern coast, about sixty miles to the northward of Port Jackson. It was afterwards found that a navigable river, flowing from the westward, discharged its waters into this harbour; and, in following up that river towards its source, two other navigable streams were discovered flowing into it from the northward. The locality around the harbour was subsequently called Newcastle, from the abundance of excellent pit-coal in its immediate vicinity; the main river was named the Hunter, in honour of the Governor, and the two other rivers, the William and the Patterson, in honour of Lieutenant-Colonel William Patterson, the Lieutenant-Governor of the colony. The district watered by these rivers and their tributary streams is now one of the most extensive and perhaps the most flourishing as a pastoral, an agricultural, and a mining district, in the territory. It is now visited daily by large steamships, that convey produce and passengers to and from the capital; and the town or city of Newcastle, situated at the mouth of the river, is now the centre of a large and rapidly increasing coal trade, both foreign and colonial.

Shortly after his arrival in England, Captain Hunter was appointed to the command of the "Venerable," seventy-four. When cruising with that vessel in Torbay, one of the seamen accidentally falling overboard, Captain Hunter humanely ordered her to be put about to pick him up. In executing this manœuvre, the vessel missed stays, ran ashore, and was wrecked. Captain Hunter was in consequence brought to a court-martial for the loss of the vessel, but was honourably acquitted. In the course of the trial, it is reported that, when asked what had induced him to put the ship about in such circumstances, he replied (for he was a good man rather than a worldly-wise one) that "he considered the life of a British seaman of more value than any ship in His Majesty's navy." He was after-

wards promoted to the rank of rear-admiral, and spent the evening of his days in the neighbourhood of Leith in Scotland, where he lived universally esteemed, and died in a good old age.

CHAPTER IV.

STATE OF THE COLONY DURING THE ADMINISTRATION OF
CAPTAIN KING, R.N.

Naturam expellas furcâ, tamen usque redibit.

JUVENAL.

You can't make farmers of pickpockets.

GOVERNOR KING's *Translation*.

THE third Governor of New South Wales was Philip Gidley King, Esquire, also a Post-captain in the navy. Captain King was the son of a reputable citizen of Launceston in Cornwall. He had evidently received a good education; but having been sent very early to sea, he had acquired a roughness of manners, and an uncouthness of language, which were not likely to increase the number of his friends, but which were, nevertheless, by no means inconsistent with benevolence of disposition. Having served under Captain Phillip on board the "Ariadne" frigate, and the "Europe," sixty-four, he was the more readily induced to accompany that officer on his appointment to the government of New South Wales; and his services in establishing the subordinate settlement of Norfolk Island had been duly noticed and rewarded, by his promotion in the service, in the year 1791. He had afterwards gone to England a second time during the administration of Captain Hunter; and, on returning to the colony, he had been commissioned to act as Governor, in the event of Governor Hunter leaving the settlement.

Captain King assumed the government of the colony in the month of September, 1800. From the zeal and talent

he had exhibited in effecting the settlement of the dependency, or, as it was then called, the colony of Norfolk Island, it was anticipated that his administration would be distinguished for vigour and general ability: but it by no means follows, that a man, who has acquitted himself to the satisfaction of his constituents in a subordinate capacity, will continue to give equal satisfaction in a higher situation, especially when invested with supreme authority. The possession of arbitrary power not unfrequently developes qualities of mind, which, in other circumstances, had escaped the notice of the keenest observer, and which the salutary consciousness of continued subjection to immediate control would have kept in abeyance. Besides, when a man has gained any considerable eminence on the hill of fortune, he is strongly tempted to suppose that the talent and assiduity which it cost him to reach his actual position, are not necessary to enable him to maintain it; and he therefore intermits his labours, forgetful that it is much easier to fall in the world than it is to rise. In short, there are few comparatively of the human race—far fewer than one would at first imagine—who, in the language of the poet, are *born to command*.

Governor King was undoubtedly desirous of promoting the welfare of all ranks in the colony; but he was perhaps seldom judicious enough in selecting and in employing the proper means of attaining his end. Irritable and irascible when thwarted in his measures, as was frequently the case, he seldom evinced the requisite degree of perseverance when unsuccessful; and he therefore very soon left things to take their natural course, which, in New South Wales, as may well be supposed, was at this period a miserably bad one. He had evidently formed but a low idea of the capabilities of the colony; and as he found, perhaps at his first trial, that *he could not make farmers of pickpockets*, to use his own expression, he thought it unnecessary to expend

farther labour on the fruitless experiment. The comparative unproductiveness of the soil, in the various localities in which the first agricultural settlements were formed, was doubtless unfavourable to the general advancement of the colony in regard to agriculture; but whether it arose from ignorance or from indifference, the means of rendering the colony independent of supplies from beyond seas were for a long period sadly neglected; and the consequence was, that periods of scarcity, approaching even to famine, were not unfrequent, while a large expenditure of British money was needlessly incurred in importing provisions from India, Batavia, and the Cape.

Two circumstances, perhaps related to each other in the way of cause and effect, contributed to produce a state of things so discreditable in itself, and so fatal to the welfare and advancement of the colony. On the one hand, the grinding monopoly, established in favour of the officers of the New South Wales Corps, which still subsisted, deprived the small farmer of all hope of bettering his circumstances by honest industry, and induced a spirit of recklessness on the other that led to unbounded dissipation. "Many of the inferior farmers," says Colonel Collins, "were nearly ruined by the high price they were obliged to give for such necessaries as they required, from those who had been long in the habit of monopolizing every article brought to the settlers for sale; a habit of which it was found impossible to get the better without the positive and immediate interference of the Government at home." And again, "Their crops were no sooner gathered than they were instantly disposed of for spirits, which they purchased at the rate of three, nay, even four pounds per gallon—a spirit, too, often lowered one-fourth, or more, of its strength with water."—*Passim*.

In short, during Governor King's administration, as I have been told by a respectable colonist who arrived in the

colony at this period, and whose son was for many years a highly intelligent and liberal member of the Legislative Council of the colony, the population of New South Wales consisted chiefly of those who sold rum, and of those who drank it; and as the general maxim of the colony at that period was, *Make money, honestly if you can, but by all means make money*; it may naturally be supposed that the sellers of this article of universal requisition would include persons of all ranks and professions. I have already shown to what extent the sale of this precious commodity was engrossed by the honourable profession of arms. Serjeant A., Corporal B., and even Private C., if a *useful* and deserving character, had each his licensed house to sell rum by retail, and to prevent, if possible, a consummation so devoutly to be deprecated, as the return of any of the emancipated convicts to the paths of virtue; and as Captain D., Lieutenant E., and Ensign F., had each his permit to land thirty or forty gallons of ardent spirits, which were then selling at 2*l.* or 3*l.* a gallon, from every vessel that entered the harbour, *the supply* (to use the language of political economy) *was equal to the demand*.

Whether Governor King attempted openly to abridge the Corps of their ancient privileges, I am not aware; but he certainly got embroiled with that body in the course of his administration, insomuch that he was oftener than once apprehensive of being put under arrest. In fact, the privileges of the Corps were defended with a boldness and finesse that would have out-generalled a man of much superior ability to Governor King. Of this, I have been told an instance somewhat amusing:—His Excellency having found it necessary to prefer charges against a member of the Corps to the Secretary of State, did so accordingly, at considerable length, entrusting his despatches to an officer who was proceeding, I believe expressly for the purpose, to England; but he was imprudent enough to allow the circumstance to

get abroad rather too soon, and the genius of Botany Bay was immediately set to work to counteract his measures. His Excellency's box was accordingly *picked* of its despatches before it left the colony, and, when opened in the Duke of Portland's office in Downing Street, it exhibited only a number of harmless old newspapers.

It was natural for a man, placed in such circumstances as Governor King, to endeavour to counterbalance the weight of military influence with which he had thus to contend, by throwing something ponderous into the opposite scale. He did so accordingly, by attempting to bring forward the emancipated convicts as a counterpoise to the Corps; and by what means could his Excellency have secured the attachment of this class of persons more effectually, than by granting them licences to sell rum? Such licences were accordingly dispensed with a liberality and profusion above all praise; for even the chief constable of Sydney, whose business it was to repress irregularity, had a licence to promote it, under the Governor's hand, by the sale of rum and other ardent liquors; and although the chief jailor was not exactly permitted to convert the jail into a grog-shop, he had a licensed house, in which he sold rum publicly on his own behalf, right opposite the jail-door.

A general dissolution of morals and a general relaxation of penal discipline were the result of a state of things so outrageously preposterous. Neither marrying nor giving in marriage was thought of in the colony; and as the arm of the civil power was withered under the blasting influence of the miserable system that prevailed, the police of the colony was wretchedly administered, and virtuous industry was neither encouraged nor protected. Bands of bush-rangers or runaway convicts traversed the country in all directions, and, entering the houses of the defenceless settlers in open day, committed fearful atrocities.

Should the reader suppose that, in describing a state of things so discreditable to the British Government of the period, as well as to all parties more immediately concerned, and especially so utterly subversive of the noble and beneficent ends contemplated in the establishment of the colony, I have been disposed to exaggerate, and, like a special pleader for the prosecution, to make the worst of a bad case, let him turn to the Appendix No. I., where he will find an Extract of the evidence delivered before a Select Committee of the House of Commons on Transportation in the year 1812, by Mr. Maurice Margarot, the only one of the five Scotch political martyrs of 1793 who lived to return from his banishment to his native land. Mr. Margarot was in the colony during the whole of this period, and his evidence is abundantly substantiated by that of men who held at the time a very different position in the country.

I have already made honourable mention of the activity and zeal displayed by Captain King in the formation of the settlement of Norfolk Island. On his arrival in the colony for the third time, as lieutenant-governor of that island, he had also a commission to succeed Captain Hunter as Governor of New South Wales, in the event of the retirement of that officer from the government of the colony; and I have been given to understand, on good authority, that it was by adroitly keeping Captain Hunter in profound ignorance of the intentions of the Ministry, in regard to the future government of the colony, of which he had been personally apprised before leaving England, that the Governor was induced to embark for Europe. Whether Captain King was desirous that Norfolk Island should in no future instance serve as a stepping-stone to the government of New South Wales, as it had done so conveniently in his own particular case, it is difficult at this distance of time to determine: it is at least certain, that, in conjunction

with Lieutenant-Colonel Foveaux, he recommended the entire abandonment of that settlement; which was accordingly carried into effect, partly during his own administration, and partly during that of his successor. A more injudicious and impolitic measure could scarcely be conceived; for, whatever objections might have been originally urged against the formation of a subordinate settlement at Norfolk Island, before the principal settlement of Port Jackson was fairly established, common sense would surely have dictated, that, after a settlement had actually been effected on that Island, at a vast expense to the Government, and especially after that settlement had been maintained in comparative prosperity for fifteen or eighteen years, it should not have been abandoned on slight grounds. The climate of Norfolk Island is salubrious in the highest degree, and the soil, which is capable of producing all sorts of semitropical fruits, of extraordinary fertility. At the period of its abandonment many hundred acres of land had been cleared and brought into cultivation; and many buildings, belonging both to Government and private individuals, had been erected. The quantity of stock on the island, consisting chiefly of cattle, pigs, poultry, and goats, was also very considerable; and it contained a population of not fewer than a thousand souls, of whom a considerable number had been born on the island. The prodigious sacrifice and expenditure implied in the entire abandonment of a remote settlement in such a state of advancement may be more easily conceived than described.

"The ground," observed Mr. Windham, who was then Secretary of State for the Colonies, in a despatch to Governor Bligh, of date, "Downing Street, 30th December, 1806," containing directions for the immediate evacuation of Norfolk Island,—“The ground on which this measure was determined on, appears to have been the very great expense at which the settlement was maintained, and the very

great difficulty with which a communication between it and Port Jackson was preserved ; a difficulty arising from the danger of approaching an island without a port secure from tempests, or even a road in which ships could safely anchor. On these and other grounds, it seems that an order was conveyed by Lord Buckinghamshire, when Secretary of State, dated June, 1803, for "removing a part of the settlement of Norfolk Island to Port Dalrymple, or to some other situation on Van Dieman's Land."

In obedience to these instructions of Lord Buckinghamshire, a considerable number of the convicts had been removed from Norfolk Island to Port Dalrymple in the year 1804 or 1805 ; but, as an evidence of the dispositions of the free inhabitants in regard to that measure, it is sufficient to observe, that only four of them had embraced the offers of Government, and withdrawn from the island. H. M. Ship "Buffalo" had afterwards been despatched by Governor King to carry off as many of the free inhabitants as could be induced to leave the island in the latter part of the year 1805 ; but its entire evacuation was at length effected during the government of Captain Bligh, in the year 1807, agreeably to the express orders of Mr. Secretary Windham.

In regard to these orders, which were issued in consequence of representations from New South Wales, there was no necessity whatever for maintaining a separate penal establishment on Norfolk Island. Had the convicts been entirely withdrawn, the free inhabitants would have formed a numerous and prosperous community long ago ; and would either have constructed a harbour, which, it is reported by intelligent persons, is by no means impracticable, or continued to maintain a communication with Port Jackson, as had been done before, and is now done by the Colonial Governments without one.

A considerable number of the free settlers at **Norfolk**

Island had originally been marines and seafaring men ; and when Colonel Collins, of the Royal Marines, under whom most of them had served in the colony, was appointed Lieutenant-Governor of the new colony of Van Dieman's Land or Tasmania, they were the more easily induced to embark for that settlement. Colonel Collins had arrived from England in the year 1803, to form a subordinate settlement either at Port Phillip, on the southern coast of Australia, or in Tasmania. He accordingly established himself in the first instance at Port Phillip ; but finding the land in the immediate vicinity of an unpromising character, he afterwards abandoned that locality altogether, and proceeded to form another settlement in Tasmania. Port Phillip is an extensive inlet, running up for thirty-five miles into the main-land of Australia. Colonel Collins had formed his settlement on the eastern shore of that inlet, where the land is undoubtedly of an inferior description ; but it has long since been ascertained that the whole of its western shore consists of land of first-rate quality, whether for grazing or for agriculture ; and it is singular enough, that an extensive emigration should eventually have taken place to this part of the Australian territory, from the very settlements which were formed by Colonel Collins on its abandonment. During the years 1835 and 1836, more than two hundred persons crossed over to Port Phillip from Tasmania in the character of Squatters, carrying along with them upwards of 30,000 sheep, besides horses and cattle, to form a permanent settlement in that highly eligible locality ; and the noble colony of Victoria is now the magnificent result of their enterprise.

During the government of Captain King—in the year 1804—several hundred convicts attached to the Government agricultural establishment at Castlehill, about twenty miles to the westward of Sydney, were induced, at the instigation of certain of their number who had been concerned

in the Irish rebellion, *to strike for their liberty*. The conspiracy, of which the ramifications appear to have been pretty extensive for the period, had been conducted with great secrecy, and its explosion was sudden and unexpected. The conspirators had collected one hundred and thirty-six stand of arms, besides pistols, pikes, reaping-hooks fixed to poles, and various other weapons of a similar kind. They advanced upon Parramatta in two bodies; the one of about one hundred and sixty, and the other of about two hundred men. On the first intimation of the rising, Major Johnston, who was then at Head Quarters, marched against them with only forty soldiers of the New South Wales Corps. On his approach, the insurgents fell back from Parramatta, intending apparently to make a stand, as they actually did, at Vinegar Hill, a few miles beyond that locality. Major Johnston followed them thither, with not more than twenty-four men; having deemed it necessary to detach a party to Castlehill, to prevent the destruction of a large quantity of grain, which was there in stacks, of which he was apprehensive. At Vinegar Hill the insurgents gave battle, which lasted only fifteen minutes, and had the usual issue of a rencontre between regular troops and a banditti. Sixteen of the latter were killed, twelve wounded, and thirty—including some of the ringleaders, of whom five were afterwards executed—were made prisoners. The rest surrendered at discretion, and the insurrection was consequently suppressed. There seems to have been a similar conspiracy on foot among the convicts, headed by a few Irish croppies, about two years thereafter, which was to have broken out immediately after the arrival of Governor Bligh; but two of the conspirators, both Irishmen, betrayed the secret to the Local Government, and the intended insurrection and massacre was prevented. Since that period there was nothing of the kind ever heard of in the colony during the continuance of transportation to New South Wales.

It was also during the administration of Governor King, that about a dozen families of free emigrant settlers, chiefly from the Scottish border, arrived in the colony; having been induced to emigrate to New South Wales, on receiving a free passage from Government, with the promise of a grant of one hundred acres of land each on their arrival in the colony, and rations for a certain period afterwards from the King's stores. They arrived in the year 1802. Governor King mustered them on the quarter-deck of their vessel, shortly after their arrival, to ascertain their respective views, resources, and abilities. Observing an old grey-haired man in their number, who acknowledged he had been thirty years in business in London, the Governor exclaimed in astonishment, "One foot in the grave, and the other out of it, what brought you here, old man?" It is somewhat remarkable that Captain King himself should have been the first of the two to have both feet in the grave. For many years after the death of the moralizing Governor, the old grey-haired man was still alive in the colony, and able to perform frequent journeys on horseback from his farm to Sydney, a distance of forty miles.

The free emigrants I have just mentioned were Presbyterians, and settled on farms of a hundred acres each of alluvial land near Portland Head, on the banks of the Hawkesbury. Their settlement was, in these early times, the most exemplary and successful in the colony; and some of them, or rather their sons, were afterwards among the wealthiest proprietors in the country. The reader may form some idea of the fertility of the district, from the fact that, from its first settlement in the year 1802, much of the land in cultivation had borne a crop of wheat every year for twenty-five or thirty years in succession, and in many years even a second crop of maize, or Indian corn.

The settlement of Portland Head also deserves peculiar credit, for having been the first in the colony to make a

voluntary and self-originated effort to provide for itself the regular dispensation of the ordinances of religion. So early as the year 1809, the settlers in that district had erected a church, a stone-built edifice—the first that was ever erected in Australia by voluntary subscription—at a cost of upwards of 400*l.*, in the hope of obtaining a minister of their own communion from the mother country; and from the very commencement of their settlement they assembled regularly every Sabbath for the public worship of God; one of their number, Mr. James Mein, a venerable old man when I first knew him in 1823, reading a sermon and presiding in the exercises of praise and extempore prayer, agreeably to the practice of the Church of Scotland. In a report of a Committee of the House of Commons on the state of the colony, which was printed by order of the House in the year 1812, the circumstance is mentioned to the honour of that individual and of the settlement to which he belonged; Governor Bligh having stated in his evidence before the Committee, that “it was the only case of the kind he had heard of during his government of the colony.” I had the singular gratification of dispensing the sacrament of the Holy Communion to this little community in the year 1824, according to the hallowed customs of the Presbyterian Church. It was the first time it had ever been dispensed on the Australian Continent *in such sort as it is written* in the standards of the Presbyterian communion. There were twenty communicants; and the very peculiar circumstances in which the ordinance was solemnized in the little church—situated on a rising ground on the edge of the forest, and overlooking a beautiful and romantic reach of the noble river—rendered the whole scene the most interesting and affecting I had ever witnessed.

From the progressive settlement of families and individuals of this industrious class in various parts of the colony, the agricultural resources of the country began to

be developed, and additional quantities of land were progressively brought into cultivation. Large importations of stock of all kinds had been made from time to time at the public expense, both from India and from the Cape of Good Hope. Cedar, a valuable description of colonial wood, both for joinery and for cabinet work, had been discovered on the alluvial banks of the Hawkesbury; and the Mimosa bark of the colony had been found superior for tanning purposes to that of the English oak. Mr. James Squires, a settler and brewer on the Parramatta River, had introduced the cultivation of the hop plant, and demonstrated its peculiar adaption to the soil and climate of the colony; for which valuable public service the Governor had very judiciously directed a cow to be given him from the Government herd. And, as an instance of colonial enterprise in another department of industry, to which there is perhaps no parallel in the annals of commerce, the "Anna Josepha," Captain Grant, had, in the year 1801,¹ carried, by way of Cape Horn, a cargo of colonial coals, and spars for ships' masts to the Cape of Good Hope, where the coals were sold at 6*l.* per ton.

From the Official Returns in the month of July, 1803, the following statistical notices are extracted:—

	Acres.
Quantity of land occupied by Government	} 125,476
or granted to private individuals	
Cleared	16,624
In wheat	7,118
In barley, maize, &c.	5,279

¹ This, I believe, was Lieutenant Grant, R.N., whom I shall occasion to mention, in the sequel, in connexion with discovery the South coast. He took this odd way of getting to England.

Average produce of wheat land, eighteen bushels per acre.

	Stock.
Number of horned cattle	2,447
Sheep	11,232
Hogs	7,890
Horses	352
Population in New South Wales	7,134
Norfolk Island	1,200
Total	8,334

It was at this period in the history and progress of the colony that a French expedition of discovery, consisting of the corvettes "*Géographe*" and "*Naturaliste*," and the Schooner "*Casuarina*," under the command of M. Baudin, cast anchor in Port Jackson: and it will doubtless be interesting to the intelligent and philanthropic reader to ascertain the impression which a general, although necessarily superficial, view of the condition and prospects of the colony, at this early period, had made upon the mind of an enlightened and liberal foreigner. After describing the appearance of the town of Sydney and the harbour of Port Jackson, in the year 1802, M. Peron, the naturalist and historian of the expedition, observes:—

"Tout cet ensemble de grandes opérations, tous ces mouvemens des navires, imprimoient à ces rivages un caractère d'importance et d'activité que nous ne nous attendions point à rencontrer sur des bords naguère inconnus à l'Europe, et notre intérêt redoubloit avec notre admiration.

"La population de la colonie étoit pour nous un nouveau sujet d'étonnement et de méditations. Jamais peut-être un plus digne objet d'étude ne fut offert à l'homme d'état et au philosophe; jamais peut-être l'heureuse influence des

institutions sociales ne fut prouvé d'une manière plus éclatante et plus honorable qu'aux rives lointaines dont nous parlons. Là, se trouvent réunis ces brigands redoutables qui furent si long-temps la terreur du Gouvernement de leur patrie: repoussés du sein de la société Européenne, relégués aux extrémités du globe, placés dès le premier instant de leur exil entre la certitude du châtiment et l'espoir d'un sort plus heureux, environnés sans cesse par une surveillance inflexible autant qu'active, ils ont été contraints à déposer leurs mœurs antisociales. La plupart d'entre eux, après avoir expié leurs crimes par un dur esclavage, sont rentrés dans les rangs des citoyens. Obligés de s'intéresser eux-mêmes au maintien de l'ordre et de la justice, pour la conservation des propriétés qu'ils ont acquises, devenus presque en même temps époux et pères, ils tiennent à leur état présent par les liens les plus puissans et les plus chers.

“La même révolution, déterminée par les mêmes moyens, s'est opérée dans les femmes, et de misérables prostituées, insensiblement rendues à des principes de conduite plus réguliers, forment aujourd'hui des mères de famille intelligentes et laborieuses.”²

During the government of Captain King, Lieutenant (afterwards Captain) Grant, R.N., then commanding the Government brig “Lady Nelson,” discovered, on his voyage out to the colony, Cape Otway and King's Island, at the western entrance of Bass's Straits, together with the intervening coast as far as Cape Schank, which separates Port Phillip from Western Port. Shortly after Captain Grant's arrival in Sydney, in the year 1801, Governor King with that enlightened zeal for the prosecution of maritime discovery which so peculiarly distinguished the earlier

² *Voyage de Découvertes aux Terres Australes, exécuté par l'ordre de Sa Majesté l'Empereur et Roi, tom. i. 376.*

Governors of the colony, directed Lieutenant John Murray, R.N., to follow up the discoveries of Captain Grant, whom Mr. Murray had in the meantime succeeded in the command of the "Lady Nelson," by a more minute examination of the coast between Capes Otway and Schank ; and in the course of his expedition, Mr. Murray was fortunate enough to discover the noble inlet of Port Phillip,—which received its name from the Governor in honour of his former chief, on or about the 15th of February, 1802. Strangely enough, Port Phillip was afterwards discovered, on the 30th of March, of the same year, by Captain Baudin, of the French expedition ; and again, on the 27th of April, following,—all independently of each other—by Captain Flinders ; but the honour of the discovery is unquestionably due to Lieutenant Murray, who had preceded Captain Baudin six weeks, and Captain Flinders ten.* The people of Melbourne, the capital of the now flourishing colony of Victoria, have commemorated the visit of Captain Flinders by naming one of the principal streets of their city after him ; but why have they forgotten my fellow countryman, Lieutenant Murray, the discoverer of their port ? Who, but a Scotch-

* "Le 30 Mars (1802), à la pointe du jour, nous portâmes sur la terre, que nous atteignîmes bientôt. Un grand cap, qui fut appelé *Richelieu* (Cape Otway), se projette en avant, et forme l'entrée d'une baie profonde, que nous nommâmes *Baie Talleyrand*. Sur la côte orientale de cette baie, et presque vers son fond, se trouve un port, dont on distinguoit assez bien les contours du haut des mâts : nous le designâmes sous le nom de *Port du Dêbuc* ; mais ayant appris dans la suite qu'il avoit été reconnu plus en détail par le brick Anglois, *The Lady Nelson*, et qu'il avoit été nommé Port Philipp, nous lui conserverons avec d'autant plus de plaisir ce dernier nom, qu'il rappelle celui du fondateur d'une colonie dans laquelle nous avons trouvé des secours si généreux et si puissans."—*Voyage de Découvertes aux Terres Australes, exécuté par l'ordre de Sa Majesté l'Empereur et Roi, sur les Corvettes le Geographe, le Naturaliste, et la Goelette le Casuarina, pendant les Années 1800—1804 ; rédigé par M. F. Peron, Naturaliste de l'Expédition*. Paris, 1807, tom. i. 317.

man from Edinburgh, would have thought of naming one of the mountains that bound that noble inlet, Arthur's Seat?

From his early initiation into the mysteries of a seafaring life, Governor King was rather fond of those practical jokes which constitute the peculiar delight of the younger inmates of the gun-room, and he sometimes indulged his disposition in a way scarcely compatible with the dignity of his office as the Representative of Majesty. He was standing on one occasion under the verandah of Government House, when a person, who had once been a marine, approached him as a petitioner for a grant of land. "You have been a marine?" said the governor, recognizing the man. "Yes, please your Excellency," replied the petitioner. "Can you go through the manual exercise yet?" rejoined his Excellency: the petitioner bowed in the affirmative. "Stand at ease, then," said the Governor: the marine did so. "Shoulder arms:" the marine obeyed. "Right about face:" the marine stood with his face looking down the avenue towards the town. "March," said his Excellency: the marine accordingly marched down the avenue; and the Governor, delighted at the success of the joke, walked into Government House without either countermanding the order he had just given, or waiting for the marine's return. I believe, however, he gave the man his grant of land shortly thereafter; and it was not likely to be any smaller on account of the little piece of innocent pleasantry which he had thus played off at his expense.

Among the more remarkable events that occurred during the government of Captain King were the establishment of a weekly newspaper, entitled *The Sydney Gazette*, or *South Wales Advertiser*, in the year 1803; the formation of a subsidiary penal settlement at Newcastle, at the mouth of Hunter's River, to the northward of Port Jackson, in the year 1804; the colonization of Tasmania, by the establishment of settlements at Hobart Town, on the Derwent

the south, and at Launceston, on the Tamar River, on the north coast of the island, during the same year ; and the occurrence of a calamitous flood in the Hawkesbury River in the month of March, 1806.

During the administration of Governor King and his predecessor, a considerable number of free emigrant and emancipated convict settlers had been located, chiefly with a view to the cultivation of the soil, on the rich alluvial banks of the Nepean and Hawkesbury rivers. The latter of these rivers is merely a continuation of the former, after its junction with a considerable stream called the Grose, which issues from a remarkable cleft in the Blue Mountains, in the vicinity of Richmond, a village beautifully situated at the foot of the mountains, about forty miles from Sydney. The alluvial lands of New South Wales, or what the people of New England would call *Interval lands* (I presume because they constitute the interval between the rivers and the open forest-country), are in general heavily timbered, and difficult to clear. In such situations the progress of cultivation is necessarily slow, as the felling-axe and the operation of *burning off* must precede the plough or the hoe ; but as the cost of this comparatively tedious process is uniformly much more than repaid in the wonderful fertility of the soil, land of this description is usually preferred, for the purposes of agriculture, to the more open forest-land. A considerable extent of land of this kind had been brought into cultivation along the banks of the Hawkesbury, which was thus the principal agricultural settlement of the territory, towards the close of Governor King's administration ; but this important section of the colony was most unfortunately visited, at the time I have mentioned, with a fearful inundation, for which the settlers of that period were not prepared as they generally are now, and which swept off the produce of the soil of every description, and left the settlers, in many instances, to poverty and starvation.

The inundations of the Hawkesbury, unlike those of the Nile and many rivers of America, are not periodical. A period of eleven years has elapsed in one instance without a single inundation ; but two inundations have in another instance occurred in the same year—one in the month of March, and the other in August—although not a drop of rain had fallen for some time previous in the district in which the inundation was most severely felt. These inundations are produced by the fall of rain on the Blue Mountains—a lofty range which runs parallel to the coast, and along the base of which the Hawkesbury flows in a northerly direction, receiving its drainage by numerous mountain torrents : and so vast is the accumulation of water on these occasions, and so narrow the gorges through which it has to force its way in its circuitous course to the ocean, that the river has been known to rise, in the neighbourhood of the town of Windsor, nearly seventy feet above its ordinary level.

There had been a flood in the Hawkesbury and Nepean Rivers in the year 1801 ; but as the number of settlers on the alluvial land on their banks was then comparatively small, it had done but little damage, and had affected the colony generally but very slightly. But as the number of settlers in that fertile district had greatly increased during the five following years, and as a large majority of these settlers had, notwithstanding the warning already given them, continued to erect their houses and to form their farm-yards within reach of the inundations of the river, which, in 1806, rose from eight to ten feet higher than the former flood, the alarm and the loss sustained were proportionately great. In places where there was no ground easily accessible, in the rear of the settlements they had to retreat as the waters rose ; and the Scotch settlers at Portland Head informed me, that, during the night of Saturday, the 22^d

1806, the waters rose so rapidly that he had to remove his family three times successively to higher and still higher ground, before morning, although his wife had been confined only the preceding day. In many places, however, the high grounds were inaccessible, from the intervening waters; and in these cases, the settlers and their families were to be seen clinging for hours together to the roofs or ridges of their houses, in the expectation of being at length swept away by the impetuous current, till they were rescued from their perilous situation by means of boats, which a few benevolent persons plied for the purpose, often at the risk of their own lives. The loss of life was indeed considerable, although by no means so great as might have been expected; but the loss of property, and especially of grain and stock, was extensive, and exceedingly calamitous. Two hundred stacks of wheat were in one day swept into the river, and carried out to the sea. Many of these were covered with pigs, dogs, and poultry, that had taken refuge upon them from the rising of the waters; and as they occasionally approached the banks, as they were swept along by the rapid current, the poultry generally took flight and reached the land. The settler whom I have already mentioned, and whose farm was situated on a beautiful bend of the river, with high ground in the rear, has told me that he saw not fewer than thirty stacks all floating down the river at one time. The flood of 1806 was seventy feet above the usual level of the Hawkesbury; much valuable property was destroyed; general distress, especially in that district, was the consequence, and the energies of the colony were, for a time, almost paralyzed.

On his arrival in England, with the charts of the important discoveries he had effected to the southward in company with Mr. Bass, in 1797 and 1798, as well as subsequently by himself to the northward in 1799, Mr. Flinders was promoted to the rank of Lieutenant, and

shortly afterwards to that of Commander. He was then commissioned to survey the still unexplored portions of the coast of Australia, in the sloop of war "Investigator," which had been fitted out expressly for the purpose. Captain Flinders had a passport from the French Government of the period, ensuring him free ingress and egress into and from such ports of the French Republic as he might find it necessary to touch at during his voyage, as the two nations were then at war; and he reached Cape Leeuwin, on his outward voyage, in December, 1801. In running along the South coast to the eastward of the discoveries of Nuyts, Captain Flinders discovered Spencer's and St. Vincent's Gulfs, Port Lincoln, Kangaroo Island, and Cape Jervis, all now within the limits of the colony of South Australia. In longitude $138^{\circ} 58'$ east, Captain Flinders met Captain Baudin, of the French expedition, proceeding westward. Consequently the only portion of the South coast discovered by the French navigator consists of about fifty leagues in extent, in the territory of South Australia, between the meridian just mentioned and that of $140^{\circ} 10'$ east, the western limit of the discoveries of Captain Grant. There are no inlets, however—no rivers—no shelter of any kind on this portion of the coast-line.

I was particularly struck with the admirable tact of Captain Flinders as a nautical surveyor, in one of my voyages out to the colony—in the year 1837—in the course of which I happened to touch at the noble harbour of King George's Sound, near Cape Leeuwin. The western headland at the entrance of that harbour is a mass of granite terminating in a bare rock bearing some resemblance in its outline to a human skull, and Captain Flinders has called it *Bald Head*. It is impossible to mistake the place with such a designation; and surely it were much better, wherever it is practicable, to affix such names to places, than to plaster them over, as is the usual custom,

with the names of those obscure men about the Colonial Office, or in some Colonial Executive, who, if an Act of Parliament could be passed to condemn anything to perpetual oblivion, ought by all means to have the benefit of the Act. The proper names of the Aborigines of New South Wales, as well as those of the ancient Celtic inhabitants of the Lowlands of Scotland, are all highly descriptive, as the names of all remarkable objects in nature ought certainly to be.

In the month of July, 1802, Captain Flinders commenced his survey of the north-east coasts of Australia; examining and surveying Hervey's Bay, Bustard Bay, Port Curtis, Keppel Bay, Port Bowen, and Broad Sound; and afterwards the eastern, southern, and western coasts of the Gulf of Carpentaria. In this part of his voyage it was accidentally discovered, to the inexpressible surprise and sorrow of Captain Flinders, that the vessel with which he had been furnished by the Admiralty for the prosecution of his voyage of discovery was utterly unseaworthy, and could scarcely be kept afloat, without the utmost hazard, for six months longer. In short, everything in England that was worth anything at the time was required for the purposes of war, and the only vessel that could be allotted for the purposes of an expedition of transcendent importance to the nation in all time coming, was a worthless hoy!

Captain Flinders returned to Sydney, with great difficulty and danger, from the state of his ship and the sickness of his crew. Shortly thereafter he embarked on board the "Porpoise," man-of-war, for England, accompanied by the "Cato" and "Bridgewater" merchant ships, both bound for India and China. The "Porpoise" and "Cato," however, were both wrecked on a reef in the Western Pacific, since called *Cato's Bank*; and Captain Flinders volunteered to proceed to Sydney in a small cutter constructed on the reef, for vessels to carry off the unfor-

tunate crews. In this object he succeeded; and in a period of time remarkably short, he returned with supplies and means of conveyance for his shipwrecked companions, some of whom proceeded to England by way of China, while others preferred returning to the colony. As for Captain Flinders himself, anxious to proceed direct to England, he accepted from the Governor the offer of the only vessel in his Excellency's power to give him, the small colonial built cutter "Cumberland," of twenty-nine tons, in which he proceeded by way of Torres Straits and the Indian Ocean towards England, touching at Timor for refreshments. The "Cumberland," however, proved as unseaworthy as the "Investigator;" and Captain Flinders, trusting to his passport, touched at the Mauritius, which was then a French colony, for repairs and supplies. The Governor and Captain-General of that colony at the time was M. De Caen, a General in the French army, and afterwards, when relieved of his charge by the taking of the island by the British, Governor of the province of Catalonia in Spain; and this Goth, in defiance of the claims of humanity, the interests of science, and the positive pledge of his own Government, seized the unfortunate navigator, with all his papers, and kept him a prisoner in the Isle of France for six years and a half! Nay, to quote the words of Captain Flinders himself, in explanation of this inhuman conduct of M. De Caen:—"From a *Moniteur* of July, 1808, it appeared that French names were given to all my discoveries, and those of Captain Grant on the south coast of Terra Australis; it was kept out of sight that I had ever been upon the coast, and, in speaking of M. Peron's first volume, newspapers asserted that no voyage ever made by an English nation could be compared with that of the 'Graphe' and 'Naturaliste.'"⁴

It is peculiarly gratifying to be able to

⁴ *Captain Flinders Voyages*, vol. ii.

this unworthy conduct of a French Governor towards an unfortunate English navigator, the very different treatment which the French Expedition of discovery had experienced, so very shortly before, in the British colony of New South Wales. Captains Baudin and Hamelin cast anchor in Port Jackson on the 25th of April, 1802:—

“La guerre, à cette époque, subsistoit encore entre la France et l’Angleterre; la fameuse confédération du Nord, en mettant la Grande Bretagne à deux doigts de sa perte, avoit exalté le sentiment des haines nationales, et le capitaine HAMELIN avoit lieu de craindre qu’on ne lui interdit le séjour du port, ou que du moins on ne lui refusât les secours qu’il venoit y chercher. Ses inquiétudes ne furent pas longues; les Anglois l’accueillirent, dès le premier instant, avec cette générosité grande et loyale que le perfectionnement de la civilisation Européenne peut seul expliquer, et que lui seul a pu produire. Les maisons les plus distinguées de la colonie furent ouvertes à nos compagnons; et pendant toute la durée de leur séjour, ils y trouvoient cette hospitalité delicate et affectueuse qui honore également celui qui la pratique et celui qui en est l’objet. Toutes les ressources du pays furent mises à la disposition du capitaine François.”^s

Governor King was succeeded in the government of New South Wales by Captain Bligh, of the Royal Navy, on the 13th of August, 1806. His administration, it must be acknowledged, was, on the whole, unfortunate for the colony; but the circumstances in which he was placed were exceedingly peculiar, and the difficulties of his situation exceedingly great. The period of his administration, I have been given to understand, was shortened through the underhand representations of those who had been a thorn in his side all along: and in order, I presume, to neutralize the evidence he might otherwise have given at

^s Peron, *Voyage de Découvertes aux Terres Australes*, i. 365.

Downing Street, in regard to the circumstances of the colony, a certificate of character was sent home along with him, of such a kind as to induce the Ministry to treat him with neglect—a circumstance which I am credibly informed, embittered the remainder of his days.



CHAPTER V.

STATE OF THE COLONY DURING THE ADMINISTRATION OF
GOVERNOR BLIGH, WITH AN ACCOUNT OF THE ORIGIN
AND RESULT OF THE COLONIAL REBELLION IN 1808.

"Here—a sheer hulk—lies poor Tom Bowling!"

THE fourth Governor of New South Wales was William Bligh, Esq., a post-captain in the Royal Navy. This officer had previously been sent out by the Lords of the Admiralty in command of H.M.S. "Bounty," for the purpose of collecting plants of the bread-fruit tree in the South Sea Islands, in order to their being conveyed to the West Indies; as it was supposed that that singular tree would, if cultivated in the West India islands, afford a valuable and economical article of food for the slave population; but the crew of the "Bounty," having mutinied in the course of their voyage, turned Captain Bligh and his officers adrift in the long-boat, and carried the vessel to one of the numerous islands with which the vast Pacific Ocean is studded, doubtless to lead a life of unrestrained and licentious indulgence among their half-civilized inhabitants. The misfortune which Captain Bligh had thus experienced in the service, and the superior seamanship and general ability he had displayed, in conducting his boat's crew along the northern coast of Australia to the island of Timor, in the Indian Archipelago, together with his other services as a Captain in the Navy, having strongly recommended him to the Government of

the period, he was appointed to succeed Captain King in the government of New South Wales.¹

The character of Governor Bligh has at different periods, and according as different parties have successively obtained the management of the colonial press, been pursued with the most unqualified vituperation, and loaded with the most unqualified praise. As is usual in such cases, the truth lies between. That he had faults, I will not attempt to deny; but that he had also redeeming qualities, which in great measure neutralized these faults, and proved him to be a much better man than the greater number of his enemies, will, I conceive, appear equally evident from the following sketch.

I have not been able to ascertain the tenor of Governor Bligh's instructions relative to the New South Wales Corps; but the first object which he undertook with might and main on his arrival in the colony, was the abolition of the military monopoly, and especially in the article of ardent spirits. This monopoly (for such it was in reality) was everywhere spoken against by those who wished well to the colony. Its evil effects were everywhere apparent. With a view to its discontinuance, Governor Hunter had recommended to the Imperial Government to recall the corps forthwith to England; and fortunate indeed would it have been for the colony, had that recommendation been attended to. But as there is reason to believe that Captain

¹ A second object of the expedition of the "Bounty" had been to explore Torres Straits, or the passage between Australia and New Guinea. On the unfortunate termination of that expedition, Captain Bligh was authorized to fit out two vessels in whatever way he might think proper, to proceed a second time to the South Seas for the accomplishment of the same important objects. On that second expedition he was entirely successful; while H.M.S. "Pandora," which had been despatched in the meantime in search of the mutineers of the "Bounty," was lost in Torres Straits.

Hunter was himself removed from the government of New South Wales by that very influence against which he had borne testimony, it was not likely that the gangrene which he had failed to eradicate from its body politic so soon after its first appearance, would readily yield to the lancet of a succeeding Governor, after it had pushed its roots into the vitals of the system, and become a wide-spreading and putrefying sore.

From the unrestrained importation of ardent spirits, which had uniformly prevailed in the colony from its first settlement, a practice of a most pernicious and demoralizing tendency, especially in a convict colony, had grown into general use; I mean the employment of ardent spirits as a sort of colonial currency, or universal medium of exchange. The subjoined reply, in the evidence of John Macarthur, Esq., to the following question, which he was asked on the trial of Colonel Johnston in the year 1811, exhibits the extent to which this ruinous practice had been carried in New South Wales:—

“Has not the barter of spirits been always practised by every person in the colony, as a matter of necessity, from the want of currency?”

“I know of no exception; as far as my observation went, it was universal: officers civil and military, clergy, every description of inhabitants, were under the necessity of paying for the necessaries of life, for every article of consumption, in that sort of commodity which the people who had to sell were inclined to take: in many cases you could not get labour performed without it.”

To the same purpose Captain Kemp, of the New South Wales Corps, when asked a similar question on the same occasion makes a similar reply:—

“Was the barter of spirits prohibited by Governor Macquarie; or were the officers of the seventy-third regiment allowed to barter spirits?”

"The Governor, clergy, officers civil and military, all ranks and descriptions of people, bartered spirits when I left Sydney,—viz. in May, 1810."

The breaking up of this monstrous system had been particularly enjoined on Governor Bligh, as appears from the following extract from his instructions, under the sign manual, dated at St. James's, May 25th, 1805 :—

"And whereas it hath been represented to us, that great evils have arisen from the unrestrained importation of spirits into our said settlement, from vessels touching there, whereby both the settlers and convicts have been induced to barter and exchange their live-stock and other necessary articles for the said spirits, to their particular loss and detriment, as well as to that of our said settlement at large; we do therefore strictly enjoin you, on pain of our utmost displeasure, to order and direct, that no spirits shall be landed from any vessel coming to our said settlement, without your consent, or that of our Governor-in-chief for the time being, previously obtained for that purpose; which orders and directions you are to signify to all captains or masters of ships immediately on their arrival at our said settlement; and you are at the same time to take the most effectual measures that the said orders and directions shall be strictly obeyed and complied with."

The vigorous measures adopted by Governor Bligh in accordance with these instructions,² obtained the at-

² The following is a copy of the *General Order* issued by His Excellency Governor Bligh on this subject of date 14th Decr. 1807. Its provisions are sufficiently stringent.

"His Excellency the Governor laments to find, by his inquiries through the colony, that the most calamitous evils have been introduced by persons bartering or paying out their provisions and the necessaries of life in general for spirits, and that such proceedings depressing the spirits of the settlers, and the comfort of the settlers of their comforts.—In order to prevent such proceedings, and to relieve the

approbation of His Majesty's Government, as is evident from the following extract of a letter to his Excellency from the Right Honourable Lord Castlereagh, of date December 31, 1807:—

“I am to express His Majesty's approbation of the determination you have adopted to put an end to the barter of spirits, which appears to have been abused, to the great injury of the morals of the colony; and I am to recommend, that whatever regulations you may find it most eligible to establish for the sale of spirits, yet that you will never admit a free importation, but preserve the trade under your entire control; and that you will not fail rigorously to levy

by this traffic, he feels it his duty to put a total stop to this barter in future, and to prohibit the exchange of spirits or other liquors as payment for grain, animal food, labour, wearing apparel, or any other commodity whatever, to all descriptions of persons in the colony and its dependencies. If a prisoner is convicted before a bench of magistrates of any of the offences above stated, he shall receive a punishment of one hundred lashes, and be sentenced to hard labour for twelve months:—If a settler, free by servitude, pardon, or emancipation, he is to be deprived of all indulgences from the Crown, sentenced to three months' imprisonment, and to pay a fine of 20*l.* to the King:—If a settler who came free into the colony, or any other free inhabitants, masters or any other descriptions of persons on board of ships or vessels, they are to lose all indulgences granted them by the Crown, and pay a fine of 50*l.* to the King; all which fines, on conviction, shall be levied by the provost-marshal, one moiety to be given to the informer, and the other to be at the disposal of the Government. His Excellency has the strongest confidence, from the known distress of the colony in consequence of this pernicious barter, that all officers, civil and military, will be aiding and assisting in carrying this order into full execution, which ultimately must tend to relieve the distresses of the people, and to give credit and stability to the settlement at large.

“By command of His Excellency,

“E. GRIFFIN, Sec.”

“Government House, Sydney,

“February 14th, 1807.”

the penalties you shall establish for preventing illegal import."

It was scarcely to be expected, however, that measures of this kind could be carried into effect without giving prodigious offence; especially to those persons whose rank or office had enabled them to derive peculiar advantages from the unrestrained importation of spirits, under a different system of management, and to turn the barter of that commodity, of universal requisition, into a source of great personal profit. The manifestations of this feeling were but too evident in the sequel.

It will be recollected that the great *March flood* of 1806 had occurred only four months before the arrival of Governor Bligh. The occurrence of an inundation of this kind, on the Hawkesbury river, at a time when very little grain was cultivated in any other part of the colony, was peculiarly calamitous, and its consequences were therefore the more generally felt. Maize meal and flour of the coarsest quality were sold in Sydney at two shillings and sixpence a pound, the two pound loaf being four shillings and sixpence, and even five shillings; and whole families on the Hawkesbury had no bread in their houses for months together. In these circumstances, Governor Bligh did everything that a Governor could do to alleviate the distress of the colony. He made a personal tour in the district, and inquired into the circumstances of the poor individually. He caused a number of the Governor's cattle, which had then increased to a large herd, to be slaughtered and divided among them; and, in order to encourage them to cultivate as large an extent of ground as possible for the future, he engaged to purchase from the King's stores all the wheat they could dispose of at the next harvest at ten shillings a bushel. The goodness of this judicious and beneficent measure was immediately apparent. The dispirited settlers were now in-

creased exertions; a large extent of cleared ground, which had been enriched by successive floods, was laid under cultivation; and Divine Providence blessing the colony with an abundant harvest, plenty and contentment were at length happily restored.

For his zealous and patriotic exertions on this occasion, Governor Bligh subsequently obtained the following testimony of approval from the Imperial Government. It was contained in a letter to his Excellency, from the Under-Secretary of State, of date 31st December, 1807:—

“I am to express Lord Castlereagh’s approbation of the measures taken by you to relieve the colony from the late calamities, occasioned by the imprudence of the colonists in not taking precautions against possible inundation.”

The Governor had observed, moreover, that independently of their liability to floods, the agricultural interest, which it behoved the Colonial Executive at so important a crisis especially to encourage, was extremely depressed, in consequence of the miserable system of traffic to which I have already alluded, and which was then prevalent in the colony; for rum, and not British money, was at that time the general medium of exchange in the purchase of every thing saleable throughout the territory. Now, to such persons as emancipated convict settlers, who were just beginning to acquire the habits of virtuous industry in the salutary pursuits of agriculture, no state of things could possibly be more injurious; as it daily exposed them to the almost irresistible temptation to barter away their hard-earned produce for what could only contribute to the misery and ruin of their families. Besides, it had not escaped the Governor’s observation, that the industrious free emigrant settlers of the humbler class were also universally kept down through the operation of the same system, though in

a somewhat different way; for, in disposing of their agricultural produce to the merchants or rather dealers in Sydney, they could only obtain payment in *property*, as it was called, i. e. in rum, tea, sugar, or such other goods as the dealer had to dispose of, at an enormous percentage above their real value.

Governor Bligh, therefore, immediately set himself to introduce a better order of things, in so far as these classes of the colonial population were concerned. With this view he made a tour of inspection in the agricultural districts of the colony, inquiring successively into the circumstances and resources of each of the settlers, and taking a list of the articles of household consumption which each informed him he stood in need of, as well as of the quantity of beef, pork, wheat, or maize, which he thought he was likely to be able to *turn into* the King's stores in the course of the ensuing season: and according to the idea he was thus enabled to form of each settler's wants and abilities, he gave him an order forthwith on the Commissariat for the articles which he judged it requisite for him to receive, the price of which he was to pay in produce at a certain fixed rate at the ensuing harvest.

This arrangement was unquestionably the most judicious, the most philanthropic, and the most directly conducive to the rapid advancement of a colony, composed of such heterogeneous materials as the colony of New South Wales, which it was possible for any Governor to have adopted at the period in question: for as the King's stores at that time contained almost every article that was required in a family, and as the Governor set a very moderate price on those articles that were thus to be exchanged for produce with the settlers, it was the direct interest of the latter to make immediate payment whenever they were able to do so; as, in the event of their failure, they were not likely to obtain a second supply from the Stores, and as everything they

required to purchase was sure to cost them at least four times the price anywhere else.

No wonder then that the memory of Governor Bligh should have been warmly cherished, as it certainly was for a long period by the middle and lower classes of the settlers of older standing throughout the colony. "Them were the days for the poor settler," said a loquacious personage, of one of these classes, at whose comfortable house I was glad to pass the night on one occasion, after a long and dreary ride of fifty miles over a mountainous and desert tract of country; and who, though originally transported many years before as a notorious smuggler, was then a reputable proprietor of land, and the father of a well-reared and industrious family:—"Them were the days, sir, for the poor settler: he had only to tell the Governor what he wanted, and he was sure to get it from the Stores; whatever it was, sir, from a needle to an anchor, from a penn'orth o' packthread to a ship's cable."

This beneficent and patriotic arrangement of the Governor's, however, was directly opposed to the private interests of that comparatively numerous and powerful class of individuals who had grown corpulent on the drunkenness of the colony, and who lived and moved and had their being, as *men of credit and renown*, on the increase and perpetuation of that detestable vice. Certain parties of good repute could no longer sell the usual quantity of Bengal rum, Brazils tobacco, Siam sugar, Young Hyson tea, or British manufactured goods at the *usual remunerating prices*—a change of system, which of course could not be tolerated. In short, the craft was in danger, and the rapid falling of the mercury in the barometers of the different harems of the colony portended a storm.

When a quantity of combustible materials has been industriously heaped together to produce an explosion, it is of little consequence in whose kitchen the match is lighted

to fire the train. The gentleman who was *the immediate occasion*—I should be sorry to style him *the cause*—of the explosion that ensued in the instance in question, was John Macarthur, Esquire, formerly Captain and Paymaster of the New South Wales Corps, but, for some time previous to Governor Bligh's arrival, a merchant in the colony. This gentleman, who was for several years before his death, which took place in the year 1834, a member of the Nominee Legislative Council of New South Wales, deserves the highest credit, not only for having been the first to direct the attention of the colony to the rearing of sheep and the growth of fine wool, but also for the virtuous example which his own well-regulated family uniformly exhibited to the European inhabitants of the territory. As a merchant, however, Mr. Macarthur's interest was unquestionably opposed to the successful accomplishment of the Governor's measures; and His Excellency, it would seem, being a plain, straight-forward, sea-faring man, was apprehensive of counter-action in carrying these measures into effect from his superior ability. But although this state of feeling unquestionably existed for some time, the unhappy events that ensued were the result of certain overt acts and proceedings, which it is necessary to detail at some length, as they relate to a very important period of colonial history, which has not unfrequently been made the subject of the grossest misrepresentation.

Previous to *the March flood* of 1806, the usual price of wheat was seven shillings and sixpence a bushel, and in mercantile transactions promissory notes were frequently given and received for the payment of a certain number of bushels of wheat of the next ensuing harvest; the parties in such transactions mutually conceiving that the price of that commodity would continue nearly stationary. In consequence, however, of the calamitous visitation I have just mentioned, the price of wheat rose, in the year 1806-7, to

seventy shillings or even eighty shillings per bushel.³ In these circumstances, Mr. Macarthur, happening to hold a promissory note of the kind referred to, of date previous to the inundation, insisted on its literal fulfilment some time posterior to that calamity : but the person who had given the note, holding that he was bound only to make payment at the rate at which wheat was selling when the note was given, and resisting the demand on that ground, the case was referred for decision to the Court of Appeals, in which the Governor decided against Mr. Macarthur, on the broad principle of equity which it seemed to him to involve. Previous to the decision, however, Mr. Macarthur had submitted a paper to the Governor, in which he contended, that as the drawer of the note—an emancipated Scotch convict of the name of Andrew Thomson—was not one of the persons who had suffered from the flood, and would have had the advantage of the terms of payment in the event of a fall in the market occurring previous to the note's becoming due, he was bound to make payment according to its literal meaning : but the Governor, refusing to hear anything on the subject, Mr. Macarthur took offence, and never afterwards made his appearance at Government House, although the Governor subsequently called on Mr. Macarthur, on being told that he was indisposed.

In the month of March, 1807, the ship "Dart," of which Mr. Macarthur was in part owner, arrived in Sydney from London. Agreeably to the usual practice on such occasions, her Manifest was exhibited by Mr. Harris, the naval officer, to the Governor ; who, observing in the list of articles two large stills—the one addressed for Mr. Macarthur, and the other for Captain Abbott, of the New South Wales Corps,⁴

³ In the month of November, 1806, so much as 7*l.* was paid for a bushel of maize for seed at the Hawkesbury.

⁴ I have been informed that Captain Abbott had ordered a still to be sent to him by his agent in London ; conceiving, doubtless, from

—made a minute on the Manifest, directing the naval officer to place both of the stills in the King's store, in order to their being sent back by the first ship to England, the distillation of spirits being prohibited in the colony. As the coppers, or boilers of the stills, however, had been packed full of medicine, the naval officer had allowed them to be conveyed to Mr. Macarthur's premises, notwithstanding the Governor's order to the contrary, while the heads and worms were deposited in the King's store. In the month of October following, when the ship "Duke of Portland" was about to sail for London, it was discovered that the coppers were still in Mr. Macarthur's possession ; and the circumstance being notified to the Governor, he ordered the naval officer, the late Robert Campbell, Esq., of Sydney, afterwards a member of the Nominee Legislative Council of the colony, to have them shipped forthwith. Mr. Campbell having accordingly written to that effect to Mr. Blaxcell, Mr. Macarthur's partner, Mr. Macarthur replied, in a letter to the naval officer, stating that "he had nothing to do with Captain Abbott's still, and that he intended to dispose of his own to some ship going to India or China ; but that if that should be objected to, the head and worm could be disposed of as His Excellency thought proper, and that he would apply the copper to some domestic use." Mr. Campbell showed this letter to the Governor, who merely directed him to enforce the original order for the re-shipment of the stills complete to England. The naval officer

the high price of spirits and the insatiable demand for the article in the colony, that it would prove a good speculation. Captain Abbott's agent was also agent for Mr. Macarthur ; and rightly conceiving that, if the speculation was a good one for the former of these gentlemen, it would be equally so for the latter, he had sent Mr. Macarthur a still also, without any orders from that gentleman, and entirely of his own accord. I have reason to believe that this statement is well founded.

accordingly sent his nephew, Mr. R. Campbell, jun.,⁶ to Mr. Macarthur, agreeably to the Governor's order, for the two coppers; and on Mr. Macarthur's refusing to give them up without a receipt, Mr. Campbell, junior, procured a receipt from the naval officer for "two stills with heads and worms complete." Mr. Macarthur, however, refused to take the receipt in that form, as he never had either "heads" or "worms" in his possession; and Mr. Campbell, jun., consequently returned to procure another receipt from his uncle: but the naval officer refusing to give any other receipt than the one he had already given, which, it seems, corresponded with the description in his books, Mr. Campbell, junior, returned to Mr. Macarthur agreeably to his original order. Mr. Macarthur showed him where the stills were, and told him he might take them away at his own risk, which he did accordingly. Mr. Macarthur, however, immediately prosecuted Mr. Campbell, junior, before a bench of magistrates for this alleged illegal seizure of his property; and after the evidence had been fully heard, made a statement in open court, in the presence of a concourse of people, whom the singularity of the case had attracted, to the following effect:—"It would therefore appear that a British subject, in a British settlement, in which the British laws are established by the Royal patent, has had his property wrested from him by a non-accredited individual, without any authority being produced, or any other reason being assigned, than that it was the Governor's order. It is therefore for you, gentlemen, to determine whether this be the tenure on which Englishmen hold their property in New South Wales."

In the month of November, 1807, a few weeks after the occurrence just mentioned, the schooner "Parramatta," of which Mr. Macarthur was also in part owner, arrived from

⁶ The late Robert Campbell, Esq., of Bligh Street, Sydney.

the island of Tahiti, whither she had sailed from Sydney in the month of June previous, under the command of a Scotchman of the name of Glen, who was afterwards murdered with all his crew on the coast of New Zealand. A convict, it seems, of the name of Hoare, had escaped from the colony by the "Parramatta," and had been left by the captain at Tahiti; and as the missionaries at that island complained of the circumstance in a letter to Governor Bligh, judicial proceedings were immediately commenced against the vessel on her return to port, to recover the penalty which had thus been incurred by the captain and owners under the colonial regulations. The result of these proceedings was, that a bond for 900*l.*, which had been given by the owners to the Colonial Government on the vessel's first arrival in the colony, and had been deposited in the hands of the naval officer, was declared to have been forfeited, and the penalty duly incurred. From this decision Mr. Macarthur appealed to the Governor, who, however, did not choose to interfere with the decision of the Court. In the meantime, the owners refusing to pay the penalty, the naval officer refused to enter the vessel, and seized all her papers; constables being in the meantime put on board, to prevent the landing of any part of her cargo.

In consequence of this procedure on the part of the naval officer, Mr. Macarthur notified to Glen and the crew that he had abandoned the vessel, and that they had consequently nothing further to expect from him. Glen accordingly went on shore with his crew, informing the naval officer of his being virtually ordered to do so by Mr. Macarthur, and making affidavit to that effect in justification of his procedure in the Judge Advocate's office, as it was contrary to the colonial regulations for seamen to remain on shore in Sydney. In consequence of this affidavit, the Judge Advocate addressed a letter to Mr.

Macarthur, summoning him to Sydney to answer in the case on the day following, to which Mr. Macarthur replied in writing, declining to attend.

The Judge Advocate, construing Mr. Macarthur's declining to attend at Sydney into a contempt of his authority, issued a warrant to apprehend his person, and convey him to Sydney, to answer in the case before himself and other justices of the peace on the 16th of December. Mr. Francis Oakes, to whom this warrant was addressed, had been sent out in the ship "Duff" about ten years before as a missionary to Tahiti, but had left the island in a twelvemonth thereafter, in consequence of some demonstration of hostile feeling on the part of the natives, and was then settled as chief constable at Parramatta, where Mr. Macarthur resided. Mr. Oakes accordingly waited on Mr. Macarthur in the evening of the 15th, and after many humble apologies presented the Judge Advocate's warrant; on the perusal of which, Mr. Macarthur gave him the following written paper in testimony of his having duly executed it; observing at the time, agreeably to the tenor of an affidavit subsequently made by Mr. Oakes, "*that had the person who issued that warrant served it instead of him, he would have spurned him from his presence;*" "*that if he came a second time to enforce the warrant, to come well armed, as he never would submit till blood was shed;*" and "*that he had been robbed of ten thousand pounds; but let them alone, they will soon make a rope to hang themselves.*"

"Parramatta, December 15, 1807.

"Mr. Oakes,

"You will inform the persons who sent you here with the warrant you have now shown me, and given me a copy of, that I never will submit to the horrid tyranny that is attempted, until I am forced; that I consider it with scorn and contempt, as I do the persons who have directed it to be executed.

(Signed) "J. MACARTHUR."

Mr. Oakes proceeded to Sydney early next morning, and delivered the note he had received to the Judge Advocate ; relating first to that officer, and afterwards to the Governor in person, the particulars of his interview with Mr. Macarthur,—evidently with the devotedness of a servant who is conscious of being the bearer of important and agreeable intelligence, the relation of which may subsequently prove advantageous to himself. Mr. Oakes' deposition being then taken before a bench of magistrates, the Judge Advocate issued a second warrant, addressed to the chief constables of Sydney and Parramatta, and requiring them to apprehend Mr. Macarthur, and lodge him in jail until he should be discharged by due course of law. In pursuance of this warrant, the two chief constables, with three of their myrmidons, armed with staves or cutlasses, apprehended Mr. Macarthur at the house of Mr. Grimes, the Surveyor-general of the colony, in Sydney ; and Mr. Macarthur, being brought before a bench of magistrates held in Sydney on the day following (17th December, 1807), was forthwith committed for trial for high misdemeanours before a Criminal Court to be assembled for the purpose, but was immediately liberated on bail.

The Criminal Court for the trial of Mr. Macarthur, consisting of the Judge Advocate and six officers of the New South Wales Corps, met at Sydney on the 25th of January, 1808 ; and as the case had excited intense interest, the Court was crowded, and a number of the private soldiers of the Corps (into which about fifty emancipated convicts had been enlisted), armed with their side-arms, were in anxious attendance. The indictment had been prepared by an attorney of the name of Crossley, who had been transported for perjury, but had afterwards received a colonial pardon from Governor King, and was then living at the Hawkesbury. This person, it seems, had frequently been consulted on matters of law, with the

Governor's express permission, by the Judge Advocate ; as the latter had not received a legal education himself, and was consequently unpractised in such matters. The indictment charged Mr. Macarthur with a contravention of the Governor's express order, in detaining the boilers of the two stills in his premises, and also with an intention to stir up the people of the colony to hatred and contempt of the Governor and Government, in the inflammatory and seditious words he had uttered before a bench of magistrates in Sydney, convened at his particular instance to try Mr. R. Campbell, junior, for the seizure of the stills. It also charged him with intent to raise dissatisfaction and discontentment in the colony, and a spirit of hatred and contempt towards the Governor and Government, in inducing the master and crew of the Parramatta schooner to come on shore in direct violation of the colonial regulations : and it charged him, moreover, with a seditious contempt of the authority of the Judge Advocate, and with uttering false, scandalous, malicious, defamatory, and seditious words, of his Excellency the Governor, in the paper he had given to the chief constable Oakes, and in the expressions he had used in conversation with that functionary respecting the Governor and Government.

Previous to the trial, Mr. Macarthur had addressed a letter to the Governor, protesting for several reasons against the Judge Advocate's presiding on the occasion, and requesting that his Excellency would appoint some disinterested person to preside in his room ; but the Governor being given to understand that the Court could not be constituted without the Judge Advocate, refused to interfere, and replied that the law must take its course. As soon, however, as the Judge Advocate had administered the usual oath to the six officers, and was proceeding to take it himself according to the usual form, Mr. Macarthur, who had in the meantime been surrendered to the Court by

his bail, interrupted the proceedings by protesting against the Judge Advocate's being a member of the Court, and presiding on the trial. The Judge Advocate, however, having stated that there could be no Court without him, and that he could not be objected to, as by the terms of the King's patent the Court could not be formed without him, Captain Kemp, one of the six officers, replied, that the Judge Advocate was nothing more than a jurymen, or than one of themselves, and might therefore be objected to, and then desired Mr. Macarthur to state his objections; Lieutenant Lawson, another of the officers, exclaiming, "*We will hear him*;" and the Judge Advocate being in the meantime compelled to remove from his seat as President of the Court.

Mr. Macarthur, being thus allowed liberty of speech, read a long protest, with great animation both of voice and manner, addressing himself sometimes to the members of the Court and sometimes to the bystanders.

On the conclusion of his address, the Judge Advocate called out to Mr. Macarthur, that he would commit him for his contemptuous language; but Captain Kemp addressing himself to the Judge Advocate, and calling out, "You commit! No, sir, I will commit you to jail," or words to that effect; the Judge Advocate, seeing nothing but confusion likely to ensue, and apprehensive of personal danger from the number of soldiers with their side-arms in and about the Court, called out that he "adjourned the Court," and desired the people to disperse; but Captain Kemp and the other officers called the people back, saying, "Stay, stay! tell the people not to go out: we are a Court."

The Judge Advocate having then left the Court, Mr. Macarthur called out to the officers, "Am I to be cast forth to the mercy of a set of armed ruffians—the police?" informing them at the same time, that "he had received private information from his friends that there was a set of

armed ruffians prepared against him," and requesting, in a deposition to that effect, that they would give him a military guard. The officers accordingly pledged themselves for Mr. Macarthur's safety, saying, "We will protect you," and desired some of the soldiers in the Court to guard him; but the provost-marshal, Mr. Gore, into whose hands he had been surrendered by his bail, considering the Court adjourned on the Judge Advocate's proclamation, and regarding this procedure on the part of the officers as a rescue of his prisoner, immediately made affidavit of the circumstance before the Judge Advocate and three other justices of the peace, and procured their warrant for the apprehension of Mr. Macarthur, in order to his being lodged in jail.

In the meantime, the six officers addressed a letter to His Excellency the Governor, informing him that they had agreed to sustain Mr. Macarthur's objections to the Judge Advocate, and requesting him to appoint another Judge Advocate in his room; to which His Excellency replied by informing them that it was out of his power to comply with their request.

On receiving this letter from the Governor, the officers addressed a second letter to His Excellency, repeating their objections to the Judge Advocate.

The Judge Advocate having in the meantime addressed a memorial to the Governor, detailing the circumstances above mentioned, and also stating that on leaving the Court the officers had refused to deliver up to him the papers connected with the proposed trial, His Excellency addressed to them a further communication, requiring them to deliver up the papers to the Provost Marshal, Mr. Gore, and his own Secretary, Mr. Griffin.

To this letter, replies, enclosing a copy of Mr. Macarthur's deposition, but declining to give up the papers, were returned.

In answer to these letters, a further communication was sent by His Excellency, repeating his demand for the papers, and informing the officers that they were *no Court* without the Judge Advocate; to which a reply was returned by the officers at five o'clock p.m., adhering to their former position, but expressing their willingness to give His Excellency an attested copy of the papers, and informing him of their having adjourned to the following day.

In the meantime, the Governor being in the utmost perplexity as to what ought to be done in the case, a messenger was despatched to Major Johnston, commanding the New South Wales Corps, with the following letter:—

“Government House, Sydney, 25th January, 1808.

(*Half-past five o'clock.*)

“Sir,

“His Excellency, under particular public circumstances which have occurred, desires me to request you will see him without delay.

I have the honour to be, Sir,

“Your most obedient humble servant,

(Signed) “EDMUND GRIFFIN,

“Secretary.”

“To Major Johnston, commanding His Majesty's
New South Wales Corps.”

To this letter, Major Johnston, who lived about four miles out of town, and had very recently sustained an injury by a fall from his chaise, merely returned a verbal message, intimating that “he was too ill to come to Sydney, and that he was unable to write.”

Early on the morning of the 26th of January, the provost marshal apprehended Mr. Macarthur, on the warrant granted by the Judge Advocate and the other three magistrates, to whom he had made affidavit on the preceding day that Mr. Macarthur was no longer in his custody, and lodged him in jail. The six officers being apprised of this circumstance, on their reassembling pursuant to adjournment at ten o'clock, addressed a letter to His Excellency on

the subject; transmitting an attested copy of Mr. Macarthur's objections to the Judge Advocate, and requiring the restoration of Mr. Macarthur to his former bail.

No answer having in the interval been sent by the Governor to this letter, the officers again adjourned at three o'clock p.m. In the meantime, the Judge Advocate, having accused the officers, in his memorial to His Excellency above mentioned, of "crimes amounting to a usurpation of His Majesty's government, and tending to incite or create rebellion, or other outrageous treason in the people of the territory," and having prayed His Excellency "to take such measures in the case, as the nature thereof, in His Excellency's judgment, might require," the Governor determined to issue a summons to the officers, requiring them to appear before him at Government House on the following day. A summons was accordingly addressed to each of the officers to the following effect:—

"By His Excellency William Bligh, Esq., Captain-General and Governor-in-chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c., &c.

"The Judge Advocate having presented a memorial to me, in which you are charged with certain crimes, you are therefore hereby required to appear before me at Government House, at nine o'clock to-morrow morning, to answer in the premises.

"Given under my hand and seal at Government House, Sydney, this 26th day of January, 1808.

(Signed) "WM. BLIGH." (L.S.)

"To Capt. Anthony Fenn Kemp, of His Majesty's
New South Wales Corps.

"By command of His Excellency,

(Signed) "EDMUND GRIFFIN, Secretary."

At the same time the Governor wrote as follows to Major Johnston:—

"Government House, Sydney, 26th January, 1808.

"Sir,

"In answer to my letter of yesterday I received a verbal message by my orderly from you, that you were rendered by illness totally

incapable of being at Sydney: I apprehend the same illness will deprive me of your assistance at this time; and the Judge Advocate having laid a memorial before me against six of your officers for practices which he conceives treasonable, I am under the necessity of summoning them before me; and all the magistrates have directions to attend at nine o'clock to-morrow morning.

"I leave it for you to judge whether Captain Abbott should be directed to attend at Sydney, to command the troops in your absence.

"I am, sir,

"Your most obedient humble servant,

(Signed) "WILLIAM BLIGH."

*"To Major Johnston, commanding His Majesty's
New South Wales Corps."*

To this letter a verbal message was again brought in reply by the Governor's orderly, intimating "that Major Johnston desired him to inform the Governor that he was so ill as to be unable to write, but that he would get a person to write an answer in the evening." The object of the Governor in these measures was that the six officers should be brought before himself and a bench of magistrates, as a grand jury, to ascertain whether there was ground sufficient for committing them for trial before a Criminal Court, for treasonable practices or other high misdemeanours.

In this stage of the proceedings it would seem that the six officers took it for granted that the Governor intended to set aside the Criminal Court altogether, and to invest the magistrates with its powers, after having first imprisoned the officers; and it would seem also that Mr. Macarthur's friends were incessant in their endeavours to prepossess them with this idea. It appears, however, from the testimony of Mr. Griffin, the Governor's Secretary, that His Excellency had no such intention; but that, in the event of sufficient ground for committing the officers for trial being found on their examination, the magistrates were in future to take cognizance of all such minor cases as

should come within their jurisdiction, while all cases of a criminal nature were to lie over till the Governor should hear from England.

On receiving the Governor's second letter, Major Johnston, though still suffering considerably from his fall, came to Sydney about five p.m., and drove up to the military barrack, where the officers of the New South Wales Corps and a few other persons gathering around him, and representing the state of things in as dismal colours as possible, persuaded him to usurp the government of the colony, and to place the Governor under arrest.

The first overt act committed in accordance with this advice, was an order for the liberation of Mr. Macarthur from His Majesty's jail. On being liberated from the jail, Mr. Macarthur went direct to the military barrack, where Major Johnston and the officers and other persons, by whose advice he was acting, were still assembled. It would be absurd to doubt whether Mr. Macarthur was not previously well acquainted with the measures in contemplation; but on being formally apprised of these measures, he represented to Major Johnston the propriety of having a requisition addressed to him, on the part of the inhabitants, urging him to provide for the public safety by placing the Governor under arrest. Mr. Macarthur was accordingly empowered to draw up such a requisition, which he did forthwith to the following effect; placing his own name at the head of the list, which comprised only a very few names, at the utmost not more than nine, and probably not more than six, when the violent measure which it recommended was actually carried into effect.

"January 26, 1808.

"Sir,

"The present alarming state of this colony, in which every man's property, liberty, and life are endangered, induces us most earnestly to implore you instantly to place Gov. Bligh under arrest, and to

assume the command of the colony. We pledge ourselves, at a moment of less agitation, to come forward to support the measure with our fortunes and our lives.

"We are, with great respect, sir,

"Your most obedient servants.

*"To Major Johnston, Lieut. Governor, &c.,
commanding the New South Wales Corps."*

Of the persons who signed this requisition, as well before as after the measure which it professed to recommend had been carried into effect, the greater number consisted of dissatisfied, discontented persons,—a description of persons, of whom there will always be found a sufficient number under any government under the sun. In addition to Mr. Macarthur, for instance, there was his partner Mr. Blaxcell, who was doubtless equally concerned in the affair of the Schooner "Parramatta;" there was Mr. John Blaxland, a settler, afterwards a member of the Nominee Legislature of the Colony, and his brother, Mr. Gregory Blaxland, also a settler, who had private grievances of their own, of the usual colonial character, in having neither got so much land nor so much convict labour as they thought themselves entitled to; there was Mr. Simeon Lord, whose right to an allotment of ground adjoining the Government domain the Governor had recently called in question; there was Mr. D'Arcy Wentworth, whom the Governor had suspended from his office as Assistant Surgeon, after he had been publicly reprimanded by Major Johnston for disobedience of orders, pursuant to the sentence of a General Court Martial; and there was Mr. Nicholas Bayly, who by some unfortunate mistake had no office at all under Governor Bligh, but was immediately made Provost-Marshal and Private Secretary by Major Johnston.

The necessary arrangements having thus been made, orders were immediately given for the Regiment to form and the drum was accordingly beat loud and hard between

six and seven o'clock the same evening. The Regiment was instantly formed in the barrack-square, and marched immediately at a quick pace towards Government House (a verandah cottage, recently pulled down, on the west side of O'Connell Street, Sydney), with bayonets fixed, colours displayed, and military music. Lieutenant Bell, afterwards a Member of the Nominee Council of the Colony, commanded the Governor's guard at the time: whether he had been regularly relieved of that important charge or not, I do not know; but he was observed from Government House ordering his men to prime and load before the Regiment had come up, and he immediately afterwards joined the rest of the Corps. Mrs. Putland, the Governor's daughter, whose husband, a Lieutenant in the navy, had been interred only a few days before (on which occasion Major Johnston was chief mourner), presented herself at the gate of Government House, and endeavoured to prevent Mr. Bell's entrance; but the House being immediately surrounded by the soldiery, an entrance was effected. The Governor, however, was for some time not to be found; but every room in the house being eagerly searched for him by the soldiers, he was at length discovered standing behind a cot which was hanging in a back apartment, to which he had retired on the approach of the military, in the act of concealing certain papers of importance.*

In reviewing the series of anomalous transactions I have thus narrated, it would seem that there was a singular want of courtesy on the part of the naval officer, Robert Campbell, Esquire, in not giving Mr. Macarthur such a receipt, in the matter of the stills, as that gentleman required, and as would have merely expressed the simple fact in the

* The account of this part of the affair subsequently given by the Governor on the trial of Major (then Colonel) Johnston, before a court-martial held at Chelsea Hospital in the year 1811, is contained in Appendix, No. II.

case. Nay, it may even be questioned whether any of the subsequent events would have happened at all, if an occasion of offence had not been given by this apparently trivial circumstance. We are apt to suppose that great and important events must uniformly have their origin and commencement in circumstances equally important. They more frequently originate in what the world calls trifles.

On the other hand, Mr. Macarthur's procedure in prosecuting Mr. Campbell, jun., before a bench of magistrates for an alleged illegal seizure of his property, and in making the statement he emitted on the occasion, was evidently and strongly reprehensible. The distillation of spirits had been prohibited in the colony, and the Governor had therefore an undoubted right to forbid the landing of everything in the shape of stills in the territory. He had merely exercised that right in the case in question ; and it was in direct contravention of his orders, that the copper boilers of the stills had been allowed by the naval officer for the time being (J. Harris, Esquire, formerly Surgeon of the New South Wales Corps,) to be conveyed to Mr. Macarthur's premises instead of the King's store. Mr. Macarthur, or at least his partner, had been duly apprized of all this ; and although it might have suited Mr. Macarthur's convenience to have used the coppers in some other way, every candid person will allow that the Governor was perfectly in the right to enforce his original order, and to desire the naval officer to see that every part and pendicle of the stills should be sent out of the colony ; for independently of other considerations, the Governor could not be ignorant that there was mechanical ability enough in the colony to manufacture heads and worms for the boilers, and notorious smugglers enough to use them for the purpose which they had evidently been intended. No blame can therefore be attached to the Governor throughout the whole transaction. The procedure of Mr. Campbell, jun.

carrying off the boilers, was clearly quite different from such a seizure of private property as is punishable by the laws of England ; the prosecution of Mr. Campbell before a bench of magistrates was consequently a most unwarrantable transaction ; and Mr. Macarthur's speech before the bench and in open court was, under all the circumstances, uncalled for, and calculated to give great offence to a man of so exceedingly irascible a disposition as Governor Bligh.

The escape of the convict Hoare in the Parramatta schooner undoubtedly constituted a sufficient ground of action, on the part of the Colonial Government, against the captain and owners of that vessel. It would seem, however, that there had been some delay on the part of the Colonial Government in bringing the matter to a proper bearing ; but this delay had evidently arisen from the non-compliance of the owners with the colonial regulations, in refusing to give the requisite security for the payment of the penalty they had incurred. Mr. Macarthur's subsequent procedure, in abandoning the vessel, and ordering the master and crew ashore, in contravention of another government regulation, appears to have been a mere stratagem, intended to bring the government to an immediate decision of the case in favour of the owners ; for it appears that the master of the schooner provoked the Governor exceedingly (insomuch that His Excellency actually swore at him) by dunning him on the subject personally at Government House.

It does not appear that the method which the Judge Advocate employed to bring Mr. Macarthur to reason was indefensible. The Judge Advocate's letter, requiring Mr. Macarthur's attendance in Sydney, was doubtless not a summons properly so called in the eye of the law ; but as it commenced with, "I have it in command from his Excellency," Mr. Macarthur ought surely to have received

it in that light, and yielded obedience accordingly. When the Judge Advocate found, however, that Mr. Macarthur had not regarded it in that light, his proper course was to have sent a summons for his attendance *in due form*; but, instead of doing so, he interprets his non-attendance as a contempt of authority, and sends a warrant for his apprehension to the chief constable at Parramatta, as if he had been a rogue and a vagabond; and because Mr. Macarthur expressed himself in regard to this warrant in the indignant manner in which an honest man was likely to have done in such circumstances, he posts off with the constable who gives him the information to Government House, to hatch up a criminal indictment against Mr. Macarthur, and to have him apprehended, imprisoned, tried, and punished as a traitor.

Much blame was attached by Mr. Macarthur to the ex-missionary constable Mr. Oakes, in having given to his conversation a totally different construction from what Mr. Macarthur alleged it was intended to bear; for it was evidently the report of this very zealous emissary that occasioned the criminal prosecution to which Mr. Macarthur was subjected, with all its calamitous results. It is difficult, however, to determine the exact degree in which Mr. Oakes was blameable, or whether he was to blame at all: he was bound to tell all he heard, for he was put to his oath; and it seems, the information he had to communicate was neither unimportant to his betters nor unpalatable.

It was the official incapacity and the personal worthlessness of the Judge Advocate, however, that contributed mainly to the catastrophe that ensued. This individual, it seems, had been the broken-down relative and dependent of some person in power, through whose influence he had obtained the highly important and responsible situation which he held in the colony. Not having received a legal education, he was quite unable to afford the Governor the

information which was sometimes essentially requisite in matters of law, and His Excellency was therefore reduced to the humiliating necessity of receiving such information from a perjured, pilloried, and transported attorney. Dissipated in his habits, and disreputable in his conduct, it was impossible that the Governor could treat him either with confidence or respect ; for he had even been prosecuted in the colony on a charge of swindling. Had this colonial dispenser of justice been a lawyer, he would not have rendered it necessary to have recourse to objectionable and polluted sources for legal information ; had he been a man of character, of firmness, and integrity, he would in all likelihood have prevented the prosecution of Mr. Macarthur. At all events, he would not have afforded that gentleman the singular advantage he derived from his own moral worthlessness and official incapacity.

When a prosecution degenerates into a persecution, the injured party has an undoubted right to employ every lawful and available expedient to set it aside ; but I am altogether at a loss to discover the propriety of the measure to which Mr. Macarthur resorted in protesting against the Judge Advocate. "It was utterly impossible under any circumstances," observes the Right Honourable Charles Mannors Sutton, Judge Advocate-General of His Majesty's Forces, on the trial of Colonel Johnston in 1811 ; "it was utterly impossible under any circumstances, and not speaking with a view to this particular charge,—it was perfectly incompetent to any person brought before that Court, to offer a challenge against the Judge Advocate sitting upon it ; he might as well offer a challenge against a Judge in this country sitting at the Assizes. The Governor has no more right to change the Judge Advocate who sits upon that Court, than he has to change a Judge in England or anywhere else." But the policy of the measure to which Mr. Macarthur had recourse in challenging the Judge

Advocate was not less questionable than its propriety. Taking it for granted that it was a vexatious and unjust prosecution that had been got up against him by the Government, and that the Judge was actuated with the most hostile feelings towards him, had he no confidence in his own ability to manage his defence, or in the integrity of the six officers who were to constitute his jury, and who seem, for the most part, to have been devoted to his interests? In short, Mr. Macarthur's procedure in challenging the Judge Advocate, was impolitic in the highest degree, and absolutely suicidal.

As to what followed—the arrest of the Governor and the usurpation of the Government—there can be but one opinion; it was downright rebellion. Nay, what is worse, it cannot be regarded as the result of the mere impulse of a moment; it appears rather to have been the concluding scene of a plot which had been long concocting. Previous to Governor Bligh's arrival, everything disrespectful had been industriously circulated respecting him in the colony; and there seems to have been a latent determination in certain quarters to resist his authority, and to put him down. This determination was speedily roused into action by the Governor's zealous and successful endeavours to put down the barter of spirits, and by a salutary regulation he established, shortly after his arrival in the colony, in regard to the colonial currency; for as both of these measures had the good effect of discountenancing that system of rapacity and oppression which had long prevailed in the colony, and of extending the shield of the Governor's protection to the industrious classes of the community, they were the more obnoxious in certain influential quarters: and when the prosecution of Mr. Macarthur—an old officer of the New South Wales, or rum-bartering Corps—had afforded a centre of attraction for all the discontentment of that body as well as for all the latent dissatisfaction of the colony, the spirit

it had aroused evinced itself in a manner equally offensive and unequivocal : for on the day preceding the trial, Mr. Macarthur's son and nephew and two bailsmen were all dining along with the six officers who were to sit in judgment on Mr. Macarthur, under the Governor's precept, on the following day, at a public mess-dinner in Sydney ; the colours of the Regiment being displayed on the occasion, and the military band playing till a late hour in the evening. Mr. Macarthur, it is true, was not at the dinner himself ; but he spent the evening in walking to and fro on the parade in front of the mess-room, doubtless enjoying the exhibition, and listening to the music !

After Governor Bligh had written a second time to Major Johnston on the afternoon of the 26th, it was evidently in the power of that officer to have preserved tranquillity. Had he only gone to Government House, and in strong terms supported the measure of his brother officers, in refusing to receive as their president a Judge, of whose impartiality in the particular case for trial they were more than doubtful, requesting and conjuring His Excellency to appoint some disinterested person in his room, there is no doubt whatever but that the peace would have been preserved, and the matter have ended to his entire satisfaction. But there was evidently no wish to preserve the peace : it had been resolved by the Corps that the Governor's authority should be subverted, and it was done forthwith.

Major Johnston was by no means a man of strong mind, and the position he occupied as a commanding officer of the New South Wales Corps, at the head of this insurrectionary and rebellious movement, was purely accidental ; Colonel Patterson, who commanded the Regiment, having been for some time previous at Port Dalrymple in Tasmania, and Lieutenant-Colonel Foveaux being absent on leave in England. Indeed, if Major Johnston had been a man of commanding intellect, he would have perceived the danger

and the criminality of his enterprise, and the result would in all likelihood have been very different; but he was merely an unfortunate instrument in the hands of others; and the circumstance illustrates the important truth, that power is often far more dangerous to the liberties and the welfare of the people in the hands of a good-natured, easily-advised, weak man, than in those of a man of much inferior moral principle, but of masculine understanding.

It was on the 26th of January, 1808, the twentieth anniversary of the founding of the colony, that Major Johnston assumed the government of New South Wales, as Lieutenant-Governor of the territory.

On the 27th the following General Order was published, together with a proclamation to the inhabitants and the soldiery, concluding in the following grandiloquent style:—

“Soldiers!

“Your conduct has endeared you to every well-disposed inhabitant in this settlement! Persevere in the same honourable path, and you will establish the credit of the New South Wales Corps on a basis not to be shaken.

“God save the King!”

“GENERAL ORDER.

“Richard Atkins, Esq., Judge Advocate, is superseded from that office, and Edward Abbott, Esq., is appointed Judge Advocate during his suspension. Anthony Fenn Kemp, Esq., John Harris, Esq., Thomas Jamieson, Esq., Charles Grimes, Esq., William Minchin, Esq., Garnham Blaxcell, Esq., John Blaxland, Esq., and Archibald Bell, Esq., are appointed Magistrates; and those persons who heretofore performed the duties of that office are to consider themselves dismissed. Lieut. Lawson is appointed Aide-de-camp to His Honour the Lieutenant-Governor. Nicholas Bayly, Esq., is appointed Secretary to His Honour the Lieutenant-Governor, and to be Provost-Marshal during the suspension of William Gore, Esq., who is hereby suspended from that office. John Palmer, Esq., Commissary, is suspended from that office; and James Williamson, Esq., is directed to take upon himself the charge of His Majesty's stores, and act as Commissary during his suspension.

“Robert Campbell, Esq., is dismissed from the office of treasurer

to the public funds, naval officer, and collector of taxes, and is hereby directed to balance his accounts, and to deliver them to His Honour the Lieutenant-Governor. Thomas Jamieson, Esq., is appointed naval officer.

“By command of His Honour the Lieutenant-Governor,

(Signed) “NICHOLAS BAYLY, Secretary.

“*Head Quarters, 27th of January, 1808.*”

On the 30th of January, another General Order was published, of which the following is an extract. Whether piety or hypocrisy is its leading feature, the reader will of course determine for himself:—

“The Rev. Henry Fulton is suspended from discharging in future the office of Chaplain in the colony.” [N.B. He had adhered to the Governor.]

“The officers, civil and military, are ordered to attend divine worship on Sunday next, at the New Church; and every well-disposed inhabitant is requested to be present to join in thanks to Almighty God, for His merciful interposition in their favour by relieving them without bloodshed from the awful situation in which they stood before the memorable 26th instant.”

On the 12th of February, Mr. Macarthur was appointed a magistrate of the territory and Colonial Secretary: on the second of that month he had been tried, on the indictment prepared by Judge Advocate Atkins, before a Criminal Court held under the precept of the Lieutenant-Governor, and consisting of the six officers who had been appointed to act in the same capacity on the 25th of January by Governor Bligh; Charles Grimes, Esq., Surveyor-General of the colony, acting as Judge Advocate on the occasion. The result of that trial was his unanimous acquittal—a result which confirms the opinion I have already expressed; viz. that with such jurors as the six officers, Mr. Macarthur had nothing to fear, and might therefore have gone to his trial before Judge Atkins with perfect safety. In regard to his official appointment—without derogating in the least

from Mr. Macarthur's personal character and intellectual ability—it would surely have been much better for Major Johnston, if, under such circumstances as had occurred, it had not taken place.

In the meantime, different classes of persons throughout the colony regarded the subversion of Governor Bligh's authority very differently, according as they were severally influenced by their particular views and interests. The military and the grog-sellers of Sydney were quite vociferous in praise of the new *régime*; celebrating the accession of Major Johnston with bonfires, laudatory addresses, and the other customary demonstrations of joy. To increase the number of these addresses, and thereby to demonstrate to the British Government the universality of the feeling of satisfaction that pervaded the colony in regard to the subversion of the late Governor's authority, wholesome stimulants were opportunely administered in various directions; the fears of some individuals being adroitly wrought upon, while others were won over by unmerited indulgences. Mr. Arndell, one of Governor Bligh's magistrates, signed one of these laudatory addresses to Major Johnston, but addressed a private letter to Governor Bligh immediately after, assuring him that he had done so under the influence of fear. There was some ground for this feeling, it must be allowed; Mr. Gore, the Provost-Marshal, having not only been suspended from his office, but imprisoned in one of the condemned cells of the jail for eleven weeks and four days, on a charge of perjury, forsooth, *in having made affidavit that Mr. Macarthur was out of his custody on the 25th*—for which offence he was afterwards torn from his wife and infant family, and sent to the coal-mines at Newcastle for four months; while Crossley, the emancipist attorney, who had merely acted at the request of the Judge Advocate, with the Governor's express permission, in preparing the indictment against Mr. Macarthur, was

sentenced to seven years' transportation. On the other hand, rum from the King's store, permits to land and licences to retail ardent spirits, grants of land and Government cattle, were distributed largely to that part of the free population that either approved of the late measures, or were likely to do so *with proper encouragement*; free pardons and other lesser indulgences being dealt out with profusion to the bond.

In this way a number of persons of the worst character were turned loose upon the colony, to the great annoyance of the free settlers;⁷ and as an idea had also got abroad among the convicts that the colony had now become free, and that it was no longer obligatory to labour, the result was a state of anarchy that produced a general neglect of the cultivation of the soil, and was otherwise distressing in the extreme to the well-disposed part of the population.

The encouragement which Governor Bligh had uniformly extended to that part of the population, during the short period of his government, had rendered him extremely popular, both among the free emigrants and the better part of the emancipated convict settlers, and united them strongly in his favour. To prevent a reaction,⁸ therefore,

⁷ In Major Johnston's despatch to Lord Castlereagh, of date April 12, 1808, which was written by the Colonial Secretary, much credit is taken for having relieved the King's stores of the maintenance and clothing of *three hundred persons*. It was easy to do His Majesty a service of this kind at any time in New South Wales, under the penal system of that colony, simply by throwing open the jail door or turning loose the jail gang.

⁸ That something of this kind was actually apprehended is rather insinuated than expressed in the following paragraph of Major Johnston's despatch to Lord Castlereagh, referred to in the preceding note:—"It is with deep concern I find myself obliged to report to your lordship, that the *opposition* of those persons from whom I had most reason to *expect support*, has been one of the principal obstacles I have had to encounter." In fact, it was a general scramble that

all public meetings (saving and except for the purpose of addressing the existing authorities) were strictly prohibited; and so vigilant was the superintendence of the dominant party in this particular, that information having been given that meetings were, nevertheless, held weekly by the Presbyterian settlers of Portland Head, Lieutenant Bell was despatched with a constable on the day of meeting to take cognizance of the matter, and, if necessary, to disperse the unlawful assembly; but finding them all peacefully engaged in the public worship of God (for the day of meeting was the Sabbath), he remained till the conclusion of the service, and then assured them they should experience no further annoyance. The Presbyterian settlers had, probably, incurred suspicion by their refusal to attend the muster of their district, which had been ordered by the existing authorities shortly after the Governor had been deposed, or to recognize these authorities in any way.

But though prevented from making any open demonstration in favour of the Governor, the free settlers were still anxious to do everything in their power for his Excellency, now especially that *his back was at the wall*.

With this view, two respectable individuals of that class, viz. Mr. George Suttor, the father of one of the members of the present Legislative Assembly of the colony, and another free emigrant settler of Baulkham Hills—a small settlement beyond Parramatta, long deservedly famous in the colony for its valuable orange-groves—exerted themselves in getting a memorial to the Home Government, in favour of Governor Bligh, drawn up and signed by the free settlers, and forwarded to England: but the circumstance being discovered by the existing authorities,

Major Johnston's supporters wanted, and not a mere change of government. Like sailors, when a ship is sinking, they wanted to get at the rum casks.

Mr. Suttor was brought before a Criminal Court, of which he refused to acknowledge the legality, and subjected to six months' imprisonment, for going about, forsooth, *to disturb the peace of the colony*, and to bring the Government into contempt; and ways and means were adopted to counteract their memorial by vilifying the character of the whole body to which they belonged.

This procedure on the part of the free settlers rendered it expedient for the existing authorities to get rid of Governor Bligh as soon as possible; for this purpose he was at length forced to leave Government House, where he had previously been kept under the closest restraint (being followed by a sentry wherever he went), and was thenceforth confined with his daughter to a subaltern's apartments in the military barracks, where he was kept a close prisoner, and was not permitted to have any intercourse with his friends. After much fruitless negotiation, however, he was allowed, in the month of March, 1809, on condition of his proceeding to England, to resume the command of His Majesty's ship "Porpoise," which was then lying in the harbour, and on board of which he accordingly embarked; but instead of proceeding direct to England, he sailed for the Derwent River in Tasmania, which was then a dependency of New South Wales. He was there treated at first with every degree of respect; but despatches being forwarded in the meantime from Head-Quarters, giving information of the conditions on which he had been permitted to leave the parent colony, an attempt was made to seize his person, and he was obliged to re-embark. He remained on the coast of that island, in daily expectation of despatches from England, during the remainder of the year 1809, and was lying in Adventure Bay, when Colonel Macquarie arrived in Sydney, on the 28th of December of that year, as Governor of New South Wales; the affairs of the colony having been successively

administered during the period that had elapsed from the subversion of his authority, on the 26th of January, 1808, by Major Johnston, Lieutenant-Colonel Foveaux, and Colonel Patterson, of the New South Wales Corps. Colonel Macquarie had been ordered to reinstate him in the government of the colony for the period of twenty-four hours after his own arrival ; but in consequence of his absence at the time, this was not done. He was apprised, however, by Lord Castlereagh, who was then Secretary of State for the Colonies, that "the mutinous outrage committed upon him had caused the strongest sensation, and that His Majesty had ordered Major Johnston to be sent home in strict arrest, to be brought to trial for his conduct, and the New South Wales Corps to be relieved by the 73rd Regiment." He was empowered at the same time to carry home with him to England all such persons as he should think necessary to appear in evidence, "to substantiate the charge of that officer's mutinous proceedings."

Much credit has been claimed for superior management by the friends of the interim Government, on the ground that no bills were drawn for a considerable period on the British Treasury, for the public expenses of the colony : but who would have taken such bills in such circumstances ? The Government herds, however, were sadly diminished in number during that period ; duties on imports were imposed, and levied, and expended ; and the King's stores, which were well replenished under Governor Bligh's administration, soon presented *a beggarly account of empty boxes*. The gentlemen of the New South Wales Corps were not the men to govern a colony for nothing ; for it is much the same whether the King's debts are paid by bills on his Treasury, or by selling his goods.

Captain Bligh arrived in Sydney from Tasmania in the month of January, 1810, a few weeks after the arrival of Governor Macquarie : he sailed for England on the 12th of

May, and arrived on the 25th of October following. There had been a change of Ministry in the meantime, and the new authorities were for some time wonderfully indifferent about the colony. Besides, every means which the ingenuity of malignity could devise had been used by Governor Bligh's enemies—and I am sorry to add, not altogether unsuccessfully in certain quarters,—to ruin his character, and to render him an object of universal detestation. He was immediately promoted, however, to the rank of Rear-Admiral in the navy, and was employed in active service; and on his application to the proper authorities, Lieutenant-Colonel Johnston, who had in the meantime obtained promotion through the death of Colonel Patterson, was at length brought to his trial before a court-martial held at Chelsea Hospital on the 7th of May, 1811, Lieutenant-General Keppel president. The trial lasted for thirteen days, many witnesses having been examined who had been brought home to England from New South Wales, both on the part of the prosecution and on that of the defence, at a prodigious expense to the public. The formal decision of the Court, which was that Colonel Johnston should be cashiered, is contained in the General Orders, issued at the Horse Guards, July 2nd, 1811.^a I may add that Mr. Macarthur was prohibited for eight years thereafter from returning to the colony.

As a charge of cowardice was preferred against Governor Bligh by his relentless enemies, I shall insert the following passage in reply to it from his able address to the court-martial:—

“The Court will forgive me if I intrude a moment on their time, to mention the services in which I have been employed. For twenty-one years I have been a post-captain, and have been engaged in services of danger, not falling within the ordinary duties of my profession. For four years with Captain Cook in the “*Resolution*,”

^a See Appendix III.

and four years more as a commander myself, I traversed unknown seas, braving difficulties more terrible because less frequently encountered. In subordinate situations I fought under Admiral Parker at the Dogger Bank, and Lord Howe at Gibraltar. In the battle of Camperdown, the "Director," under my command, first silenced, and then boarded the ship of Admiral de Winter; and after the battle of Copenhagen, where I commanded the "Glatton," I was sent for by Lord Nelson, to receive his thanks publicly on the quarter-deck. Was it for me, then, to sully my reputation and to disgrace the medal I wear by shrinking from death, which I had braved in every shape? An honourable mind will look for some other motive for my retirement, and will find it in my anxiety for those papers, which during this inquiry have been occasionally produced, to the confusion of those witnesses who thought they no longer existed. . . .

As the reader will doubtless feel somewhat interested in the subsequent history of Colonel Johnston, whose criminality in the whole course of this untoward affair was rather the result of misfortune than of misconduct, I shall only add that he returned to New South Wales shortly after his trial, and spent the remainder of his days in the colony, where he died universally regretted during the government of Major-General Macquarie. Colonel Johnston was of a noble family in Annandale, in Scotland; and having obtained a commission in the army at the early age of twelve years, he commenced his military career in America, and had served both in India and on the coast of Africa, before embarking for New South Wales on the establishment of the colony.

CHAPTER VI.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
DURING THE GOVERNMENT OF MAJOR-GENERAL MAC-
QUARIE.

Who would not live a year or two in Sydney,
To get acquaint with all its nonpareils ;
To dine with people of a certain kidney,
And bask all in the sunshine of their smiles ?
They don't live quiet, as they ought, and hid. Nay,
Proud of expulsion from the British Isles,
Some glory in their shame ! Very strange tales
Are told of gentlemen of New South Wales.

Diary of an Officer in the East.

LACHLAN MACQUARIE, Esq., the fifth Governor of New South Wales, was lieutenant-colonel of the 73rd Regiment, on his arrival in the colony ; but before the close of his government he had attained the rank of a major-general in the army. He assumed the government of the colony on the 28th of December, 1809, and retained it for the long period of twelve years, or till the 1st of December, 1821.

The era of Governor Macquarie is not unfrequently referred to as the commencement of the prosperity and the rising greatness of New South Wales. He is usually styled the father of the colony ; and one of the favourite modes of exciting the popular feeling against succeeding colonial administrations was to contrast them with that of Governor Macquarie. I was induced, for a time, to

representations myself without hesitation and without suspicion ; but a closer examination has induced me to qualify them with a few grains of salt.

Governor Macquarie entered on the government of New South Wales under the most favourable auspices. The New South Wales Corps, which had long controlled the Government and repressed the energies of the colony, being at length ordered home to England, there was no organized body in the country to counteract his measures ; and he had the 73rd Regiment of the Line, which had had no previous connexion with its inhabitants, to support them. With a comparatively unlimited command of British money and convict labour, he had the experience of the colonists for upwards of twenty years to guide him in regard to the best mode of expending the one and of employing the other for the benefit of the settlement ; and as the grand experiment for which the colony had been originally established had now been under trial for a long series of years, it required only common discernment to ascertain, and common sense to pursue, what was best calculated to promote the welfare of the free, and to hasten the reformation of the convict population. In short, Governor Macquarie had the remodelling of the whole political and moral framework of the colony almost completely in his power ; and the position he thus occupied for a long series of years was consequently, in a moral and political light, much more commanding, much more influential, and much more important to the colony in all future time than that of any of his successors.

Governor Macquarie commenced his administration by issuing two proclamations, agreeably to the instructions with which he had been charged by His Majesty's ministers : the first was declaratory of the King's displeasure at the late mutinous proceedings in the colony ; the second rendered null and void all the acts of the interim Govern-

ment; leaving the Governor, however, a discretionary power to act, both in regard to the past and the future, agreeably to the dictates of his own judgment. In the exercise of this power, he ratified most of the acts of the Provisional Government, endorsed its bills on the Treasury, and confirmed for the most part its grants of land.

There had been repeated inundations of the Hawkesbury after the great *March flood* of 1806, before the arrival of Governor Macquarie; in one of which, the *August flood* of 1809, the waters had actually risen higher than in 1806; the highest level of the inundation of that year, at the town of Windsor, having been as much as seventy feet above the usual tide-level of the river. The necessary consequence of this calamitous event was a great loss of property, especially of grain; a great dearth and scarcity of the necessaries of life, and the prevalence not only of destitution, but of a feeling of general recklessness among the humbler class of settlers.¹ In these circumstances, the Governor made a tour of inspection in the agricultural districts, especially in those within reach of inundations; and His Excellency deserves the highest praise for the humane and at the same time judicious arrangements which he made on the occasion, and the feeling of heartfelt concern for the welfare and advancement of the humbler classes of the colonists which these arrangements evinced.

To prevent the recurrence of the scenes of 1806 and 1809, and to place the houses and other property of the settlers in the flooded districts beyond the reach of future inundations, Governor Macquarie established townships

¹ In the month of June, 1810, six months after the arrival of Governor Macquarie, wheat was selling at Sydney, at 1*l.* 3*s.* 3*d.* per bushel, with a rising market; maize was six shillings a bushel; butchers' meat, one shilling and sixpence per pound; potatoes, fifteen shillings per cwt.; fowls, three shillings each; and eggs, half-a-crown per dozen.

above the reach of floods at Windsor, Richmond, Pitt Town, and Wilberforce, for the Hawkesbury district ; at Castle-reagh, for the Nepean, and at Liverpool, for George's River ; offering the settlers in these vicinities respectively allotments free of cost in the townships for their houses and farmyards ; giving them a plan of such houses as he proposed they should erect, and engaging to reward those who should comply with these conditions with cows and sheep at reasonable terms and on long credit, from the Government herds.

One of the first duties of a governor in a new colony is to open practicable lines of communication between its different settlements, and to render its available territory easily accessible ; and there is no colony in the empire so favourably circumstanced, in this important respect, as New South Wales undoubtedly was during the Government of Major-General Macquarie. The unlimited command of convict labour for this particular purpose was an advantage of great value to that colony ; and the construction of roads and bridges was unquestionably the most appropriate employment in which persons of that description could be engaged.

Governor Macquarie's exertions in this respect were above all praise. In all the settled districts of the colony he formed excellent roads, and constructed substantial wooden bridges across all the rivers and creeks on the way. His greatest achievement in the way of road-making was a road across the Blue Mountains to Bathurst, a settlement then newly formed, about 145 miles to the westward of Sydney. Of the discovery of that portion of the colony, which opened up a boundless extent of available pasture-land to the colonists, at a period of peculiar emergency, I shall state the particulars in the sequel, when enumerating the discoveries effected during the administration of Governor Macquarie.

As it was of the utmost importance to the colony, in the circumstances in which it was placed at the period of that discovery, to render the vast extent of available country which had thus been laid open easily accessible, Governor Macquarie placed the whole of the disposable convict labour of the colony on the mountain-tract which the resolute discoverers had successfully pursued ; and in a period of time incredibly short succeeded, chiefly by dint of promises and rewards, in forming a good road to Bathurst, of which at least fifty miles traverse an extent of country the most rugged, mountainous, and sterile imaginable. Indeed, there was a vigour about Governor Macquarie's administration, of which it was long afterwards quite refreshing to contemplate the effects, and which, under the guidance of a better-regulated judgment, would undoubtedly have led to the happiest results. The whole extent of road constructed during Governor Macquarie's administration was two hundred and seventy-six miles : and along this whole extent, substantial wooden bridges were constructed wherever they were required.

In enumerating the achievements of Governor Macquarie in the important article of road-making, it would be unpardonable not to mention the road round the Government domain in Sydney, skirting, as it does, the series of romantic bays and promontories that characterize that transcendently beautiful fairy scene. It was planned originally, as the Governor gratefully records, by his wife, Mrs. Macquarie, in honour of whom the following inscription has been carved in large Roman capitals on the face of a rock, which has been formed into a seat for visitors, overlooking a large extent of the harbour, and called " Mrs. Macquarie's Chair : "—

"BE IT THUS RECORDED THAT THE ROAD ROUND
INSIDE OF THE GOVERNMENT DOMAIN, CALLED '
MACQUARIE'S ROAD,' SO NAMED BY THE GOVERNOR

ACCOUNT OF HER HAVING ORIGINALLY PLANNED IT, MEASURING THREE MILES AND 377 YARDS, WAS FINALLY COMPLETED ON THE 13TH DAY OF JUNE, 1816."

The number of public buildings of every description, as well as of other public works, erected or constructed by Governor Macquarie, not only in Sydney and Parramatta, but in all the other settlements of the colony, as also in Tasmania, which was then a dependency of New South Wales, would almost exceed belief. The list—which includes barracks for troops, stores for provisions, hospitals both general and military, houses for public offices and officers, churches, school-houses used for churches, quays, wharfs, watch-houses and police-offices—occupies ten closely printed folio pages of a Parliamentary Report, and includes not fewer than two hundred and fifty items.

In short, if brick and mortar could have ensured immortality, Governor Macquarie erected public buildings enough in New South Wales to render his colonial fame imperishable.

I am not prepared, however, to regard this part of Governor Macquarie's procedure with unqualified approbation. "It has been his misfortune," observed the Commissioner Bigge, in his Report to the House of Commons on the state of the colony of New South Wales, towards the close of Governor Macquarie's administration, "to mistake the improvement and embellishing of towns for proofs of the solid prosperity of the colony, and to forget that the labour by which these improvements had been procured was a source of drain upon the British treasury, and that other measures might have been tried and resorted to, which would have been to regulate in a more judicious manner the progress of colonial improvement."

Governor Macquarie

distinguished for what phrenologists would denominate "a remarkably full development of the organ of constructiveness, together with a somewhat sizeable organ of vanity." Now, in so far as the former of these propensities led His Excellency to lay down an entirely new plan for the town of Sydney (which, previous to his arrival, was a mere assemblage of paltry erections, holding a sort of intermediate place between a hut and a house, and disposed in every possible form of irregularity and confusion), and to inspire its inhabitants with a laudable regard for external appearances, it was highly beneficial to the colony; for in these respects the city of Sydney undoubtedly owes not a little to Governor Macquarie: but, in so far as these propensities led His Excellency to erect numerous public buildings, of very questionable utility, or rather of no utility whatever in the actual circumstances of the colony, for the purpose apparently of transmitting his own Celtic name to succeeding generations, and thereby to keep whole hordes of convict mechanics and labourers congregated in the towns of the colony, instead of dispersing them as widely as possible, and employing them in the clearing of land and the formation of agricultural settlements all over the territory, they occasioned an extravagant and wasteful expenditure of British money, and proved a fruitful source of colonial demoralization.

There is doubtless some allowance to be made for Governor Macquarie's peculiar situation, in being left by the British Government to find employment as he could for the constantly increasing convict population of the colony, for whose labour there was necessarily but a very inadequate demand on the part of the free emigrant inhabitants of the territory. Referring to the circumstances of the colony and the method of distributing the convicts, who were then comparatively few in number, at the commencement of his own administration, Governor

Macquarie observes, in a letter to Earl Bathurst, as follows, viz. :—

“On their arrival they were distributed amongst such settlers as required them, without favour or partiality, the Government only retaining such useful mechanics and proportion of labourers as were required for carrying on the public works : but the influx of male convicts for the last five years has been so great, and so very far exceeding that of former years, that the settlers had not employment for above one-eighth of the number that annually arrived in the colony, the remaining seven-eighths being left to be maintained and employed by Government. Hence it became necessary to employ this *large surplus* of men in some useful manner, so that their labour might in some degree cover the expense of their feeding and clothing.”

As there was thus comparatively little demand for convict labour for agricultural purposes on the part of private individuals, or for the opening of new settlements for the location of additional free settlers, in consequence of the almost total cessation of free emigration to the colony, Governor Macquarie was tempted to employ a large number of the convicts in the erection of public buildings of very little utility to the colony generally, in the chief towns of the territory. And it cannot be denied that notwithstanding the good intentions of Governor Macquarie, and his sincere desire for the welfare and advancement of the colony, a large portion of the vast expenditure of British money which was thus incurred was in reality incurred in carrying on a process of demoralization in the colony, and in preventing the attainment of the chief end for which it was originally established—the reformation of its convict population.

Had buildings only of absolute necessity for the public service been erected at head-quarters, and had these buildings been of such moderate cost as befitted the circumstances of a penal settlement, the numerous emancipated convicts, who obtained small grants of land on the

expiration of their sentences of transportation, would have been obliged to settle on these grants to obtain a livelihood, and would thus in all likelihood have become industrious, temperate, and frugal ; but the lavish expenditure of British money in the erection of public buildings and in the construction of other public works, in the colonial capital and the other towns of the colony, formed an irresistible attraction to the great majority of this class of persons ; and they accordingly sold their land forthwith, and settled in Sydney and the other colonial towns—some as labourers or mechanics, others as petty constables ; some as dealers in general, others as dealers in rum. In short, there was plenty of employment, plenty of money, and plenty of rum, to be had in Sydney in the good old times of Governor Macquarie ; and who that liked the last of these articles, would, in such circumstances, think of going elsewhere in search of the other two ?

There are political economists of some note in the mother country who are perpetually recommending to Government the concentration of the population of the colonies ; but a short residence in New South Wales, at the period we have arrived at in the history of that colony, would have been sufficient to convince such persons of the utter inapplicability of their principle to the circumstances of a penal settlement. In fact, the concentration of an emancipated convict population, as Governor Macquarie's experiment sufficiently proves, will infallibly be a concentration of vice and villany, profligacy and misery, dissipation and ruin. In such circumstances, *Divide et impera* (separate and command), is as good a maxim in the moral as it is generally in the political code.

The demoralizing influence indirectly resulting from the gratification of Governor Macquarie's taste for public buildings cannot be more fitly illustrated than in the plan he pursued for the erection of a General Hospital in Sydney.

Had the convicts been dispersed over the territory in the way I have suggested, an hospital of comparatively small dimensions would have been sufficient at head-quarters : at all events, a plain, substantial edifice was all that was wanted for such a purpose, till the expense of erecting ornamental buildings could be borne by the revenue of the colony. The colonial architect, however, having submitted to Governor Macquarie a plan of a spacious and costly edifice, consisting of a centre building and two detached wings, to be erected of cut stone, with a double verandah or covered portico completely surrounding each of the three piles of building, he determined that it should by all means be carried into effect. With this view, he made an agreement, on the part of the colonial government, with Messrs. D'Arcy Wentworth, Blaxcell, and Riley, by which these gentlemen stipulated to erect a building agreeably to the plan proposed, on condition of receiving a certain quantity of rum from the King's store, and of having the right to purchase and to retail a certain quantity—15,000 gallons—of ardent spirits annually, for four years. The *Rum Hospital*, as it was called at the time, was accordingly erected on these conditions ; and standing, as it does, on the summit of one of the two ridges on which the city of Sydney is built, with a valley terminating in the beautiful inlet called Sydney Cove between, it is doubtless an interesting and striking feature in the general aspect of that city, especially in approaching it from the sea.*

I leave to the mere financier the task of repeating the arrangement I have just mentioned (which, as I have previously believed at the time, was a little more than the

* One of the two wings of the *Rum Hospital* was afterwards used as a Parliament House for the colony for thirty years, and has since been transformed into the Mint. The other wing was sold for its original purpose.

parties concerned), on the ground of its injustice to the community at large, as well as to those persons in particular who imported ardent spirits into the colony, and who were consequently obliged either to sell their commodity at whatever price the monopolists chose to offer them, or to keep it in bond for three or four years. My sole concern with the transaction is to calculate its true bearings on the professed object of General Macquarie's administration—the reformation of the convict population of New South Wales; and this is by no means a work of difficulty. The wages of the artificers and labourers, and the prices of the materials employed in the erection of the hospital, were, agreeably to the usual practice of the colony at the time, paid half in money and half in *property*, i. e. in tea, sugar, ardent spirits, wine, clothing, or any other article, either of necessity or of luxury, which the employer happened to have in his store, and which was uniformly charged to the labourer at an enormous percentage above its real value, or even above its market-price in the colony. Determined, however, that not a shilling of the money-half of the wages should ultimately find its way into any other pockets than their own, the worthy contractors erected one or more public-houses in the immediate vicinity of the place, where their numerous convict and emancipated convict mechanics and labourers received that moiety of their wages, doubtless, to induce the miserable wretches, whose inability to withstand such temptation may well be conceived, to expend the last farthing of their earnings in the purchase of their exorbitantly priced liquor. In providing, therefore, for the physical health of the colony, Governor Macquarie was actually overspreading the whole surface of its body politic, in a moral and spiritual sense, *with wounds and bruises, and putrefying sores*, which surpassed the skill of the ablest surgeon to bind up, or the efficacy of the most powerful ointment to mollify.

The lavish expenditure of British money in the erection of numerous public buildings of minor utility, and the extraordinary facility which was thus afforded to the emancipated convict population for indulging in every species of unhallowed dissipation, tended even to neutralize the most judicious measures which Governor Macquarie had himself adopted for their progressive reformation. A measure, for instance, of vast importance to the colony which Governor Macquarie pursued with much greater zeal than success was the formation of an agricultural population from the class of emancipated convicts. Adhering to the principle on which Governor Phillip had been empowered to act by the British Government, Governor Macquarie gave grants of thirty acres of land each to persons of this class on attaining their freedom. But there was this important difference between the system pursued by Governor Phillip and that of Governor Macquarie : Governor Phillip gave such grants of land only to individuals of good character, who, he had reason to believe, would settle upon the land, and make a good use of it ; Governor Macquarie, on the contrary, appears to have given them indiscriminately to all : and whereas it was certainly by no means the intention of the British Government that such grants of land should in any case be given to emancipated convicts for the purpose of being sold, it is nevertheless a notorious fact, that by far the greater number of Governor Macquarie's grants of this kind were never taken possession of by the grantees, but were sold immediately, and generally for rum.

I had once occasion to inspect a chart in the Surveyor-General's office, to ascertain something relative to a grant of land belonging to a reputable Scotchman, who had unfortunately fallen into pecuniary difficulties in the colony. On glancing at the chart, I observed that the land was bounded in one direction by a whole colony of

small settlers, or proprietors of farms of thirty or forty acres each ; but in afterwards adverting to the circumstance in conversation with the landholder, and asking him what sort of a neighbourhood he had got, I was somewhat surprised to find that he had no neighbours at all in that direction, and that what seemed on the Surveyor-General's chart a number of small farms, was merely a portion of the large and undivided estate of a colonial proprietor, who had been a merchant in Sydney during the government of Major-General Macquarie, and who had purchased in the way of his business, and in all probability for ardent spirits, a number of the Governor's *orders* for small grants of land, which, it seems, he had kept in abeyance till their united acres amounted to an extent which it was worth while for him to select in that particular locality.

All this malversation, which was not less ruinous to the individuals themselves than injurious to the community, might have been entirely obviated by a very simple arrangement. Had the Governor, for instance, merely made it a rule not to issue deeds or to give permanent possession of grants of land of this kind until the grantees had, in each particular instance, resided upon the land for a certain period and effected certain specific improvements, an attachment to the spot would in all likelihood have been generated by residence and hard labour, ere the condition of proprietorship could have been fulfilled ; and the disposition to sell would in all probability have been annihilated before the power to sell had been obtained. It was quite preposterous to imagine that the *pickpocket* would become a *farmer*, to use Governor King's expression, by merely giving him an order for thirty acres of forest land, which he could instantly exchange for ten or fifteen gallons of rum in the town of Sydney, and be no poorer than he was before. As well might we expect the leopard to change his spots or the Ethiopian his skin, as expect that under

such a system those who have been accustomed to do evil should learn to do well.

During the long course of his administration, however, Governor Macquarie did succeed in settling many families of emancipated convicts on small farms in various parts of the territory; as for instance, along the banks of the Hawkesbury and Nepean rivers, and at the agricultural settlements of Campbelltown and Appin; and had due caution been exercised in carrying out this arrangement generally—had the necessary checks been imposed on the one hand, and the means of dissipation withheld on the other—the result would doubtless have been exceedingly pleasing to the eye of philanthropy.*

Governor Macquarie's situation as the Governor of a British colony was doubtless very peculiar. On his arrival in New South Wales, he found that but only a small portion of the ten thousand inhabitants of the territory consisted of free emigrants; and from the large annual influx of convicts, and the almost total cessation of free emigration during the whole period of his government, the proportion of that class of the general population was continually decreasing. In such circumstances it was almost to be expected that Governor Macquarie should entirely misapprehend the great end which the founders of the colony originally had in view, or rather the means by which that end was to be accomplished;—that instead of endeavouring on the one hand to work out the reformation of the convicts by means of a numerous and industrious free emigrant population, and to induce the British

* I believe it to be the opinion of most of the persons in New South Wales, who have been conversant with the management of convicts, that the hope of possessing property, and of improving their condition and that of their families, affords the strongest stimulus to their industry, and the best security for their good conduct.—*Commissioner Bigge's First Report*, p. 143.

Government on the other, as his predecessor, Captain Philip, had done, to hold out the requisite encouragement for the settlement of such emigrants throughout the territory, he should come to consider the free emigrant population of the colony as a mere excrescence on its body politic, or rather as a positive incumbrance and dead-weight on the community—constituting no part of the Government scheme in regard to the reformation of the convicts, and likely to prove a source of annoyance and counteraction to the colonial authorities. We find, accordingly, that although these may not have been the maxims which Governor Macquarie avowed, they were those, at least, that regulated his procedure.

It is allowed on all hands, that Governor Macquarie neither countenanced nor encouraged the class of free emigrant settlers, and that his procedure in this respect operated in so far as a complete check to emigration. He had been expressly enjoined in his letter of Instructions from His Majesty's Ministers to pay particular attention to those free settlers who had exerted themselves in favour of Governor Bligh; but he entirely neglected them. In short, His Excellency's maxim was, "New South Wales is a country for the reformation of convicts; free people have no right to come to it."⁴ He had doubtless been strongly prejudiced against the class generally by the officers of the New South Wales Corps, to whom the free settlers were of course politically obnoxious, in consequence of their adhering to the deposed Governor.

Besides, it is reported on good authority, that immediately after his arrival in the colony, Governor Macquarie was advised by Lieutenant-Colonel (afterwards General)

⁴ It has been remarked in the colony, and so often, till at last it has become proverbial, that the surest claim to the favour and confidence of Governor Macquarie was that of having once worn the badge of conviction for felony.—*Bigge's First Report*, p. 147.

Foveaux, who then commanded the New South Wales Corps, to bring forward, as much as possible, the emancipated convicts, or, as they were long technically styled in the colony, the "Emancipists." This advice appears to have been followed with all the promptness and decision of his energetic character; for on the 12th of January, 1810, that is, *before he had been a month in the colony*, he appointed Andrew Thomson, a Scotchman of this class, to the office of the magistracy—an appointment, for which there had been no precedent in the previous history of the colony, and which can scarcely be justified on the plea of necessity. Governor Macquarie had, it seems, given some personal offence to Colonel Foveaux, and this apparently benevolent advice was the method which that officer employed of repaying the compliment; for, in reference to that advice, Colonel Foveaux is reported to have observed to his secretary, Lieutenant Finucane, "that he had now placed a blister on Governor Macquarie which he would never be able to remove."

As the case of Andrew Thomson affords an illustration of the general policy pursued by Governor Macquarie in regard to the emancipists generally, it may not be out of place to insert the following sketch of the character and history of that individual, abridged from Mr. Bigge's Report to the House of Commons :—

"Andrew Thomson had been transported for setting fire to a stack, at the age of sixteen, and had served as a labourer in the stone-masons' gang at Parramatta. On the expiration of his sentence he had settled as a retail shop-keeper at Windsor, where he built small vessels in which he traded to Sydney; and he had also a manufactory of salt on an island at the mouth of the Hawkesbury, where it was alleged he had been engaged in illicit distillation. He was likewise a constable and a publican; and his habits of domestic life were immoral; but through the liberal credit which he gave, and the forbearance he exercised during the period of general distress from successive floods, he had acquired great influence among the small

settlers on the Hawkesbury. He died, however, soon after his appointment to the magistracy ; and Governor Macquarie caused an epitaph to be inscribed on his tombstone, stating that 'it was in consequence of his character and conduct that he appointed him to be a magistrate in the colony, and that by the same act he restored him to that rank in society which he had lost.'

"On his appointment to the magisterial bench, Andrew Thomson," says Mr. Bigge, "was thenceforth admitted to the table of Governor Macquarie, and to that of the officers of the 73rd Regiment, by a change of regulation, but not of feeling, in the military body, that was no less remarkable than the change that had taken place in the sentiments of the civil chief."

Governor Macquarie was certainly of an arbitrary disposition ; and his prejudices, in regard to the two classes of the free population of the colony, may perhaps have been a little embittered by the personal opposition he sometimes experienced, in regard to his favourite measures, from some of the free emigrant colonists. It is related, at least, that a reputable individual of this class having transmitted representations against his measures to the Secretary of State, Governor Macquarie, doubtless under the influence of strong irritation, observed in reply, "that there were only two classes of individuals in New South Wales—those who had been convicted, and those who ought to have been so." If His Excellency really made so gratuitous and so illiberal a remark, the circumstance sufficiently accounts for the seemingly anomalous fact, that he sometimes selected his friends and favourites from the class of those "who ought to have been convicted :"—whether they had ever been so in reality or not, I conceive it is of little consequence to inquire.

In short, Governor Macquarie appears to have been very sceptical in regard to the existence of virtue in any class of persons in the colony ; and another of the maxims, therefore, on which he seems to have acted was, that "prosperous vice ought to be encouraged and rewarded." The emanci-

pated convict publican, who had been successful in selling rum by the gill, generally ended the matter by converting his *tap* into a *store*, and selling it by the puncheon. At his outset in the colonial world, he was in the habit of supplying the small settlers of his own class in society with ardent spirits in small quantities, in exchange for proportionally small quantities of grain ; but having now written himself a merchant, he was in a fit condition to take a mortgage on the settler's farm in lieu of his annual supply of tea, sugar, slop-clothing, and rum, all of which were *booked* to him at a hundred per cent. at least above the real value of the articles ; and by watching his opportunity, he was able at last to pounce upon the farm itself, like a vulture on his prey, and to hold the settler in future as a tenant-at-will on the land which he had cleared and cultivated with the sweat of his brow, and for which he had probably not received goods in all more than equivalent in real value to a single year's rent of the farm. When wealth had in process of time been acquired by such processes as this, Governor Macquarie considered the individual in a fit condition to be restored to the place in society which he had lost, *not so much by his criminality as by his transportation*; and consequently, after a course of life still more criminal perhaps in the eye of God than the one that had issued in his sentence of banishment, and greatly more injurious to society,—the wealthy emancipist could cherish the hope of being received at Government House, and presented as a fit associate for reputable men.

In short, it was not the retiring emancipated convict in the lower walks of life that Governor Macquarie especially delighted to encourage, by endeavouring to rescue him, as his predecessor Governor Bligh was in reality deposed for doing, from the iron gripe of his oppressor : it was that prominence in society which wealth uniformly gives its possessor in New South Wales, as well as in

every other country, that attracted the notice of the Governor. The circumstance of being notorious for the violation of every principle of honour and integrity was no obstacle to the attainment of His Excellency's favour. The circumstance of being notorious for a life of open and outrageous profligacy, was no impediment to employment or promotion under the government of Major-General Macquarie.

As involving a system of penal discipline and reform, Governor Macquarie's administration of the government of New South Wales was unquestionably a failure. In the disposal and employment of the convicts during his government, these great objects of the original establishment of the colony were, if not uniformly, at least too frequently, postponed for objects of far inferior importance. In this opinion I am not singular. After enumerating the different kinds of labour in which convicts were employed on the Government establishments of the colony during Governor Macquarie's administration, Mr. Commissioner Bigge makes the following judicious observations :—

"Such are the several kinds of labour performed by the convicts retained in the service of Government in New South Wales and Van Dieman's Land; and as they have grown altogether out of the presumed wants of the local Governments, little consideration has been afforded by them to the effects that they have produced, either in the shape of punishment or of reform."

I am also constrained, from a sovereign regard to truth, to remark, that the principle on which emancipations, tickets of leave, and other indulgences, were too frequently granted to convicts by Governor Macquarie, had a direct tendency to preclude the reformation of the convict, and to obliterate from his mind all sense of criminality. Convicts who had either brought money with them to the colony,—the fruit, perhaps, of their knavery in England— or whose wives had followed them out with their accumu-

lated and dishonest savings, or who had originally moved in a higher sphere in society than the mere labourer—not unfrequently received tickets of leave on their arrival in Sydney, and were immediately placed in as comfortable circumstances as they had ever known in England, besides possessing facilities for making money such as they could never have anticipated in the mother country. Persons in these circumstances, moreover, had only to render some small service to the government, as in supplying horses and carts for an expedition of discovery, for conveying the Governor's baggage when travelling in the interior, or for carrying stores and provisions to some road-party, to obtain emancipation or entire freedom in the colony; while it not unfrequently happened that others obtained similar indulgences through the recommendations of unprincipled magistrates, superintendents, or overseers, to whom they had rendered private services as the price of their corrupt influence. A convict who had been transported for the second time, and who, on his arrival in Sydney, had obtained a ticket of leave, and was allowed to open a public-house at Parramatta, obtained his emancipation for merely sending a horse and cart, under the charge of *his assigned convict servant*, to assist in conveying provisions and stores to the road-parties.

Governor Macquarie's early efforts "to bring forward" the emancipists had received much and perhaps injudicious commendation from the Parliamentary Committee on Transportation in the year 1812; and, although Earl Bathurst endeavoured afterwards to put him on his guard against the evil consequences that might ensue from incautiously pushing such a principle to extremes, the circumstance appears to have not only confirmed him in his adherence to the course he was pursuing, but to have induced him to adopt every possible means of rendering it virtually imperative on all and sundry to follow his example.

That Governor Macquarie was right in the abstract, in endeavouring to restore to society individuals who had given undoubted evidence of their thorough reformation, is undeniable; but the method he employed in effecting that praiseworthy object was not less objectionable, than his selection of individual emancipists for putting his benevolent experiment to the test was peculiarly injudicious. It may be laid down as a general principle, that if an individual who has been a convict becomes thoroughly reformed, he will exhibit a retiring disposition, and court obscurity; and that, on the contrary, if a person of this class is obtrusive in his demeanour, and ready on every occasion to thrust himself on the society of those who still regard him with aversion or suspicion, there is a moral certainty of his not being reformed at all. Governor Macquarie's reformed characters were unfortunately of the latter description; and His Excellency having taken extraordinary pains to have them forced into society, it was not at all wonderful that a considerable majority of the reputable portion of the inhabitants of the colony should refuse to submit to his dictation in a matter so entirely beyond the province of a Governor, and that much bitterness of feeling should be the unhappy result of the ill-managed experiment.

These efforts of Governor Macquarie were particularly obnoxious to most of the officers of the 46th and 48th Regiments, as well as to certain of the civil officers and other respectable inhabitants of the colony; and as His Excellency was unfortunately subject to the common weakness of military governors, in regarding as the enemies of his person and government all who were not disposed to make an entire surrender of their own judgments and feelings to his, the usual scenes of colonial warfare—crimination and recrimination—ensued; and these jarrings had, in this particular instance, the unhappy effect

of making the two classes, of which society was then composed in the Australian colonies, regard each other with much more unfriendly feelings than if no such judicious attempts to unite them had ever been made.

In the month of July, 1814, Jeffery Hart Bent, Esq., an English barrister, who had been appointed judge of the then newly instituted Supreme Court of New South Wales, arrived in the colony. When about to open his Court, in the month of May, 1815, a letter was addressed to him by the Governor, transmitting certain petitions from persons of the names of Eagar, Crossley, and Charters, soliciting permission to practise as solicitors and barristers in the Supreme Court, and recommending the prayer of these petitions to the favourable consideration of the judge. Eagar had been a solicitor in Dublin and had been transported for forgery; Crossley, as I have already had occasion to mention, had been transported for perjury, and Charters was a person of the same class, and in similar circumstances. When the Court opened, the petitioners were heard in support of their petitions; and the two assessors, Mr. Broughton, the commissary, and Mr. Riley, a merchant in Sydney, and one of the fortunate contractors for the erection of the *Rum* Hospital, were in favour of conceding the boon solicited. But the judge was inexorable, pleading, in support of the view which he had taken of the case, the Act 12 Geo. I. cap. 29,—an act passed for the prevention of persons who had been guilty of perjury or forgery from practising in the courts—which the judge considered as a part of the law of England, which undoubtedly extended to the colony, as being the announcement and establishment of a general principle for regulating the administration of justice, or relating to police and the prevention of crimes. The principle, he added, had been decided by the unanimous opinion of Lord Mansfield and the Twelve Judges; and he concluded his observations on the subject as follows:—

"It is with considerable regret that I have to state, that the undue steps resorted to, with regard to these petitions, have in some degree prevailed ; and that gentlemen have been found, who have thought proper to differ from me on a point of pure professional feeling and practice, and to say that those persons, whom they confess it is a disgrace to admit to their tables, or to suffer any part of their families to associate with, are fit and proper persons to be admitted to the situation of Attorney in His Majesty's Supreme Court, notwithstanding gentlemen have been sent out by the Crown for that purpose.

"I do now solemnly declare, that I will not admit as Attorneys of this Court, nor administer the oaths to persons who have been transported here as felons : it is contrary to law ; and no circumstances and no necessity can exist so strong in my mind as to induce me to it."

A long altercation ensued between the judge and the two assessors, and the result was that the Court was adjourned by the judge *sine die*. Communications were in consequence forwarded on the subject by the Governor to Earl Bathurst, who was then Secretary of State for the Colonies, setting forth, in very strong colours, the evils that would ensue to the colony from the unwarrantable decision which the judge had announced, and its interference with the working of the salutary principle he had himself been endeavouring to establish for the reformation of the convict population.

Now there can be no doubt that, notwithstanding the specious allegations and the able special pleading of Governor Macquarie, Mr. Justice Bent had announced the right principle, and done his best to establish the right practice, in the case in question ; and had he only urged that principle in a firm, temperate, and dignified manner, there can be no doubt that he would ultimately have carried his point. But Judge Bent was, unfortunately for

himself, as well as for his principle, a weak, vain, meddling, litigious man, who had given the Governor a handle against himself, in other matters of very inferior moment and unconnected with the main point at issue, and had thereby ensured his own defeat on this vital question. The result was that Earl Bathurst, in the name of the Prince Regent, recalled Mr. Bent, "considering the removal of the said Jeffery Hart Bent, Esq., from the colony as necessary to mark the sense and disapprobation which they entertain of the measure, which so indiscreetly for the colony and himself, the said Jeffery Hart Bent, Esq., thought it necessary to adopt, and which, for so long a period, has occasioned all the serious evils of a total suspension of justice, to the manifest injury of the best interests and public credit of the colony." In reference to the other matters to which I have alluded, taken in connexion with this main question, Earl Bathurst intimated at the same time to Mr. Bent, "the high displeasure of His Royal Highness, and his positive recall by His Majesty's Government, on account of conduct which, in their opinion, could admit of no justification." This despatch was dated 11th December, 1816, and Mr. Bent left the colony in May following.

Now there can be no doubt that this was a most unwarrantable proceeding of the Imperial Government, and such as, in the present healthy state of public feeling, would be universally condemned. There can be no difference of opinion *now* as to the propriety of the course which Judge Bent adopted, in refusing to grant the prayer of the petitioners, Eagar, Crossley, and Charters, or to allow convict attorneys to practise in his court : and to remove a judge for so imaginary an offence, or rather for doing what in him lay to maintain the purity and the dignity of the administration of justice, because his doing so happened to interfere with the crotchet of a strong-headed, but wrong-headed Governor, was a monstrous proceeding. But it has

been the policy of Downing Street to support a Governor in such cases, and to sacrifice anybody else.⁵

Eagar afterwards engaged in trade in Sydney as a general merchant; but finding that he had a powerful competitor in that capacity in Mr. Prosper de Mestre, an American merchant from New England, then settled in Sydney, who, through his countrymen in China, could import tea direct from that country, while English merchants could only import it from Bengal, he brought a *Qui tam* action against Mr. de Mestre, in the Supreme Court of the colony, for the penalties he had incurred as a foreigner, under an obsolete statute of 12 Car. 2. c. 18, s. 2. by trading in one of the King's colonies. If Eagar had succeeded in this action, Mr. de Mestre would have been ruined, and "a heavy blow and great discouragement" would have been experienced by the mercantile interest of the colony; but Eagar would, in so far at least, have engrossed the trade and reaped the advantage. In these circumstances Mr. de Mestre applied to the Court for time to enable him to produce the record of the plaintiff's conviction for felony, upon an affidavit, stating his

⁵ The following General Order, excluding convict practitioners from all courts of justice in the colony, had been issued by the officer administering the government shortly before the arrival of Governor Macquarie. It is in singular contrast with the principle and practice of that Governor:—

"General Order published in the Sydney Gazette, 28th August, 1808.

"Lieutenant-Governor Foveaux has learned, with equal indignation and surprise, that men who have been prisoners in the colony have so far forgotten their former condition as to obtrude themselves into the courts of justice in the character of counsellors and advocates. Determined to prevent the continuance of a practice as injurious to decency as it is in fact destructive to justice, Lieutenant-Governor Foveaux feels it incumbent upon him to forbid any person from presuming to interfere with causes pending before the courts, without an especial licence from him for that purpose, and to apprise those who have been convicts that a disobedience of this injunction will be punished in the most exemplary manner."

belief of that fact, and stating also that the action, upon which he had a good defence upon the merits, had been brought against him from interested and invidious motives. The judge who presided in the Supreme Court at the time was Mr. Barron Field, afterwards Resident Judge at Gibraltar, who appears to have been as little of a Solomon or a Solon as he was of a poet,⁶ for he granted Mr. de Mestre's

⁶ Judge Field had the folly to consider himself a sort of universal genius, and in particular a poet; and he accordingly published in the colony, and republished in England, what he called *Botany Bay Flowers*, a collection of pieces which were altogether the wretchedest doggerel I have ever seen. One of the pieces is an address to the Kangaroo, which he thus apostrophizes:—

Kangaroo, kangaroo,
Spirit of Australia!

but having been born within the sound of Bow Bells, he pronounces Australia as if it ended with an *r*, and makes it rhyme with *failure*, shrewdly considering the kangaroo a failure on the part of Australian Nature in her awkward attempts to make a proper quadruped for that country. The following, which may not be uninteresting to the reader, is part of a colonial critique of the olden time in *ottava rima* on the *Botany Bay Flowers*, which the poet, naturally enough, had previously consigned to their proper place, the nether regions:—

The ghost of ancient Bavius stood ashamed
When "the said" Flowers arrived from Botany Bay;
And Mævius, by the bard of Mantua famed,
Storm'd like Hibernians on St. Patrick's day:
And Pluto had not soon the tumult tamed,
Had he not thrown the Judge's Flowers away.
"These filthy Flowers," they cried, "pollute the place!
We won't stay here, great Pluto, in disgrace."
In Pluto's realm there ne'er was such a kick-up:
You'll read it in his "Government Gazette."
Even Cerberus, 'twas said, caught a vile hiccup
From barking at th' uproar; and so beset
With sickness was the cur, he would not lick up
His own sweet vomit; and his three heads met
Like Quakers at a meeting! . Nay, Old Charon
Vow'd he'd ne'er ferry o'er more Flowers for Barron!

Diary of an Officer in the East.

application and thereby quashed the proceeding. This decision naturally excited a prodigious ferment among the whole class of emancipists (i. e., persons who had once been convicts, but had either been pardoned, or had served out the periods of their respective sentences) ; as it amounted to a complete denial of justice to their whole body in all future actions at law. A public meeting of the emancipists was accordingly held in Sydney, on the 23rd of January, 1821, at which it was resolved to send a delegation to England to represent their interests and to plead their cause, under this monstrous grievance ; and Mr. Eagar, and Mr. Redfern, one of Governor Macquarie's emancipist magistrates, were accordingly appointed delegates and sent home to England ; but, like the dogs that were sent with a petition to Jupiter for the restoration of the gift of speech, which, it is alleged, they once possessed, Eagar never returned to the colony to report progress.

Now although it was allowed on all hands that Eagar had brought his action from unworthy motives, it cannot be denied that the way in which that action was set aside by the judge was a measure of gross injustice to the whole class of emancipists, who were at this period a comparatively numerous body in the colony, and of whom a large number were inoffensive and reputable men. To debar an individual from ever practising again as a member of an honourable profession, which he has once disgraced by being convicted of felony, is a principle that recommends itself at once to enlightened reason, and has been acted upon in all civilized countries, both ancient and modern : and to urge, as a valid plea in his favour, that the individual in question has satisfied the law, in having been burnt in the hand, or pilloried, or transported, would be a monstrous impropriety. But to deny common justice in an action at law to an unoffending member of society, who has some wrong to com-

plain of, merely because he has once been convicted of a felony, for which he has been duly punished, would be an outrage upon the common sense of mankind, and could never be tolerated for one moment either in New South Wales or anywhere else in the British Empire.

I should be sorry, however, to do so much injustice to the memory of Governor Macquarie, as not to record my own deliberate opinion that his errors were rather errors of the understanding than of the heart. He had evidently taken up a wrong idea of his duty in the very peculiar circumstances in which he was placed ; and being a man of great decision of character on the one hand, and a stranger on the other to that acuteness of moral sense which often compensates for obtuseness of intellectual vision, he was apt to push everything to extremes. He encouraged and promoted marriage in those quarters in which a different and disreputable mode of life had been previously connived at ; and, in externals at least, the colony assumed quite a different aspect under his vigorous and energetic management from what it had previously worn. The population was nearly trebled during his government, and trade and the public revenue increased in the same proportion. Towns were established in various localities, and those previously existing were greatly improved, the inhabitants being encouraged, by grants of land or other inexpensive gratuities, to erect substantial buildings. The agricultural penal settlement of Emu Plains, at the eastern base of the Blue Mountains, was formed during the government of Major-General Macquarie, and that of Port Macquarie at the mouth of the River Hastings—the latter very shortly before he left the colony in the year 1821.

The highest talents and the most extensive acquirements are uniformly found conjoined with some weakness or other, to remind us of the conditions of our mortal existence. Governor Macquarie's weakness was a rabid desire for

immortality, that took a singular delight in having his name affixed to everything that required a name in the colony ; whether public buildings or remarkable localities, places, persons, or things. It was said of Greece by one of the ancient Roman poets, "There's not a stone i' the land without a name." ' On my first arrival in the colony, shortly after the close of Governor Macquarie's administration, it appeared to me that a similar remark might with almost equal propriety have been made of New South Wales ; with this difference, however—that in the latter case the name for everything was *Macquarie*. The Governor's weakness in this particular being easily discovered, the calculating colonists found it their interest to affix His Excellency's name to anything he had given them in the shape of landed property, as in that case they were almost sure to obtain an extension of their grants. A worthy colonist, with whom I was sufficiently acquainted to learn the circumstance many years ago, had at one time no fewer than two farms and a son—all called Macquarie.

A propensity of this kind on the part of the ruler was likely to be a fruitful subject of ridicule with those who were dissatisfied with his measures; and the following instance of this species of colonial humour is not undeserving of preservation. The late Dr. Townson, LL.D., a gentleman of superior literary and scientific acquirements, who had published a volume of *Travels in Hungary*, and had afterwards settled in New South Wales, was on some occasion entertaining a party of visitors at his residence, a few miles beyond the settlement of Liverpool, by showing them his extensive and well-stocked garden and orchard. One of the party, observing an insect on one of the grounds, asked the doctor, who was an naturalist, what its name was. The doctor repli

7 "Nullum sine nomine saxum."—JUVENAL.

the utmost gravity, "It is a species of bug that abounds in the live timber of the colony; it has not yet got a name; but I propose that it should be called *Cimex Macquarianus*, or the *Macquarie Bug*."

From the period of the unfortunate termination of the voyages of Flinders on the coasts of Australia, nothing had been done in the prosecution of maritime discovery in connexion with that country till the close of the great war in 1815. In the year 1817, however, Captain King, R.N., a son of the late Governor King, and afterwards an Admiral in the Royal Navy, being appointed by the Admiralty to survey the unexplored portions of the coast, purchased the colonial cutter "Mermaid," of 84 tons, and sailing from Sydney in the month of September of that year, reached the North-west Cape on the 1st of January, 1818. From this small vessel Captain King afterwards transferred his party to the Government surveying ship "Bathurst:" remaining on the coast for four years altogether, and returning occasionally to Port Jackson for supplies and refitment. Captain King's explorations consisted in a running survey of the east coast, for 900 miles, to Cape York; in the course of which he laid down and surveyed what is usually termed "the Inner Passage," for vessels bound to the northward through Torres Straits. Captain King acknowledges however that, in conformity to his instructions, he was precluded from making so minute a survey of this part of the coast as was necessary to determine its physical character and capabilities; several very interesting portions of it, on which it has since been ascertained that important rivers flowing eastward from the interior must disembogue, being left unexamined. Captain King also surveyed about 1100 miles of the north and north-west coasts, from Cape Wessel to Cape Villaret; discovering Port Essington on the Cobourg Peninsula, and the Alligator Rivers, flowing into Van Dieman's Gulf to the westward. He also made a running

survey of the west coast, from Cape Leeuwin to Depuch Island, of about 700 miles. But it cannot be supposed that nautical surveys on so extensive a scale, and especially on such a coast as that of Australia, can be of much service either to the interests of science or to those of the colonial community.

Governor Macquarie deserves the highest praise for the zeal with which he uniformly encouraged and promoted geographical discovery in the interior of New South Wales. On his assumption of the government, the colony consisted only of a narrow strip of land, extending about eighty miles along the coast, to the northward and southward of Port Jackson, and bounded to the westward by the Blue Mountains—a barrier which was then supposed to be insurmountable—running parallel to the coast, about forty miles inland; and even of this narrow strip by far the larger portion was hopelessly sterile. The first attempt to cross the Blue Mountains was made in the year 1796, by Mr. Bass, the discoverer of Bass' Straits; but it proved unsuccessful, Mr. Bass' Report stating that, "after innumerable difficulties, having ascended to a great height, he could only descry another apparently impracticable ridge, with intervening woods." The next attempt, which was equally unsuccessful, was made in the year 1802, by Monsieur Barallier, a Frenchman, then an ensign in the New South Wales Corps. A third attempt was afterwards made by Mr. Caley, a botanist, who, although he succeeded in penetrating to a greater distance than the points reached by either of the two earlier adventurers, was obliged at last to give up the attempt, after erecting a heap of stones at a spot which Governor Macquarie afterwards called *Caley's Repulse*, and which he considered the *ne plus ultra* of Australian discovery to the westward. The place was pointed out to me by a respectable settler of the Bathurst district on crossing the mountains for the first time in the

year 1826. It is certainly a most remarkable locality ; nothing being visible in any direction but immense masses of weather-beaten sandstone rock towering over each other in all the sublimity of desolation ; while a deep chasm, intersecting a lofty ridge covered with blasted trees, seems to present an insurmountable barrier to all further progress.

The inundations of the Hawkesbury, to which I have repeatedly referred, having been succeeded, in the usual course of the seasons of New South Wales, by a serious drought in the year 1813, it had become indispensably necessary to find an outlet for the rapidly increasing stock of the colony, which amounted at that time to 65,121 sheep, 21,543 horned cattle, and 1891 horses. Three enterprising colonists, whose names deserve to be honourably mentioned — Gregory Blaxland, Esq., W. C. Wentworth, Esq., afterwards one of the members of the Legislative Assembly for the city of Sydney, and subsequently President of the Legislative Council, and the late William Lawson, Esq., formerly of the New South Wales Corps,— accordingly determined in that year to make a fourth attempt to cross the mountains, in search of an open pastoral country to the westward. With this view they ascended the mountain ridge that abuts upon Emu Plains on the banks of the Nepean River, and separates the valley of the Grose from that of the Warragumby ; and, following that ridge in all its numerous windings, they at length, after encountering and surmounting great difficulties and hardships, reached its termination at Mount York, twenty-five miles due west of Emu Plains, where they looked down upon a grassy well-watered valley, now called the Vale of Clwyd, stretching far to the westward. On their return to Sydney, the Governor despatched Mr. George William Evans, Deputy-Surveyor of Lands, to follow up this important discovery, and to explore the

unknown country to the westward. The result of this expedition was the discovery of the beautiful tract of country called Bathurst Plains, as well as of two large rivers, the Macquarie and the Lachlan; the former pursuing a north-westerly, and the latter a south-westerly, course into the unknown interior.

In the year 1817, John Oxley, Esq., Surveyor-General of the colony, was directed by the Governor to explore the Lachlan River, which he accordingly traced down for upwards of 400 miles, chiefly through an inhospitable country, in which it did not receive a single tributary, to $144\frac{1}{2}^{\circ}$ east longitude, where it terminated in extensive morasses, at an elevation of not more than 250 feet above the level of the sea. In returning, however, due north from the right bank of the Lachlan River, Mr. Oxley crossed a fine tract of pastoral country, now called Wellington Valley, about a hundred miles to the westward of Bathurst, and at length reached the Macquarie River, which was silently pursuing its north-westerly course to its unknown termination.

During the following year, Mr. Oxley made a similar exploratory voyage down the Macquarie, which at length carried him beyond the region of hills to a country presenting a dead level, where the river eluded all further pursuit by spreading itself far and wide over the country, and forming what Mr. Oxley supposed the commencement of an inland sea. From this point Mr. Oxley struck across the intervening country towards the coast, crossing Liverpool Plains and New England, the latter a hilly, picturesque, well-watered country, at a great elevation above the sea level, and at length discovering the Hastings River, which rises in New England, and disembogues at Port Macquarie, in latitude $31\frac{1}{2}^{\circ}$ south. From thence the Expedition returned to Sydney along the coast, discovering and crossing the Manning River, in lat. 32° on the way.

In the meantime, Mr. Hamilton Hume, a native of the

colony, afterwards a magistrate of the territory, and the late T. Throsby, Esq., a colonial surgeon, and afterwards an extensive proprietor of land and stock, had forced a passage through what had long been considered an impracticable country to the south-westward, and discovered the valuable agricultural and pastoral country in that direction now called Argyle, including Lake Bathurst and Lake George. And in the year 1819, this new discovery had been pushed as far as the banks of the Murrumbidgee River, a large and rapid stream, which was left pursuing its solitary and mysterious course to the south-westward.

By these important discoveries, the area of the colony was increased to perhaps twenty times its former extent; and new sources of wealth, of incalculable amount, were thrown open to the industry and enterprise of its inhabitants.

One can scarcely help sympathizing, indeed, with the gallant old Governor, in the feeling of honest pride with which he seems to have been actuated, when he penned the following passages of his *Report to Earl Bathurst, of date, London, 27th July, 1822*. They constitute a strong defence against the allegations of his accusers, and their truth is undeniable.

"I found the colony barely emerging from infantile imbecility, and suffering from various privations and disabilities; the country impenetrable beyond forty miles from Sydney; agriculture in a yet languishing state; commerce in its early dawn; revenue unknown; threatened with famine; distracted by faction; the public buildings in a state of dilapidation and mouldering to decay; the few roads and bridges formerly constructed rendered almost impassable; the population in general depressed by poverty; no public credit nor private confidence; the morals of the great mass of the population in the lowest state of debasement, and religious worship almost totally neglected.

"Part of those evils may perhaps be ascribed to the mutiny of the

102nd Regiment, the arrest of Governor Bligh, and the distress occasioned to the settlers by the then recent floods of the Hawkesbury and Nepean Rivers, from whose banks chiefly the colony was at that time supplied with wheat.

"Such was the state of New South Wales when I took charge of its administration on the 1st of January, 1810. I left it in February last, reaping incalculable advantages from my extensive and important discoveries in all directions, including the supposed insurmountable barrier called the Blue Mountains, to the westward of which are situated the fertile plains of Bathurst; and, in all respects, enjoying a state of private comfort and public prosperity, which I trust will at least equal the expectation of His Majesty's Government. This change may indeed be ascribed in part to the natural operation of time and events on individual enterprise: how far it may be attributed to measures originating with myself, as hereinafter detailed, and my zeal and judgment in giving effect to my instructions, I humbly submit to His Majesty and his ministers.

"Statement of population, &c., in March, 1810, on the first general muster and survey after my arrival in the colony:—

Population, including the 73rd and 102nd regiments	11,590
Horned cattle	12,442
Sheep	25,888
Hogs	9,544
Horses	1,134
Acres of land cleared and in tillage under various crops	7,615

"And in October, 1821, on the last general muster and survey before my departure:—

Population, including the military	38,778
Horned cattle	102,939
Sheep	290,158
Hogs	33,906
Horses	4,564
Acres of land cleared and in tillage under various crops	32,267

"On my taking command of the colony in the year 1810, the amount of Port Duties collected did not exceed 8000*l.* per annum, and there were only 50*l.* or 60*l.* of a balance in the treasurer's hands; but now duties are collected at Port Jackson to the amount of from

^s This includes the population of Tasmania, which was then a part of New South Wales.

28,000*l.* to 30,000*l.* per annum. In addition to this annual colonial revenue, there are port duties collected at Hobart Town, and George Town in Van Dieman's Land, to the amount of between 8000*l.* and 10,000*l.* per annum."

And in alluding, as he does, to those misrepresentations to which he had been subjected, from his efforts to elevate in the scale of society the convict population of the colony, he adds, with a feeling of evident bitterness,—

"Even my work of charity, and, as it appeared to me, sound policy, in endeavouring to restore emancipated and reformed convicts to a level with their fellow-subjects,—a work which, considered either in a religious or a political point of view, I shall ever value as the most meritorious part of my administration—has not escaped their animadversion."

After a long and laborious administration of nearly twelve years, Major-General Macquarie was succeeded in the government of New South Wales, on the 1st of December, 1821, by Major-General Sir Thomas Brisbane, K.C.B. He returned to his native land immediately after, and died, much and justly regretted by a large proportion of the colonists, in the year 1824.



CHAPTER VII.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
UNDER THE GOVERNMENT OF MAJOR-GENERAL SIR
THOMAS BRISBANE, K.C.B.

“Tanta benignitate præditus erat, ut neminem unquam a se, nisi hilarem ac spe plenum, discedere pateretur; omnia enim benigne pollicebatur, neque quicquam unquam petenti denegabat: promissa autem reposcentibus solitus erat respondere, *Non memineram me alteri promisisse.*”—*Vita Papæ Leonis X.*, ab incerto auctore rescripta.

To borrow the language of Geology, we have been contemplating the *primary* formation of the colony of New South Wales, in the character and works of its first four naval Governors. We have also been contemplating its *secondary* formation, which, like its own sandstone cliffs and rocky mountains, stands out in such bold relief in the administration of Governor Macquarie. We are now to pass under our review the *transition* series of Governors, under whom the colony rapidly emerged from the abject condition of a mere penal settlement into that of a community of free-men—doubtless to become the nucleus and the metropolitan State of one of the mightiest empires of the future on the face of the earth. The history of the first manifestations and movements of social and political life in such a country cannot but be interesting in the highest degree to the millions of its future inhabitants, however coldly it may be regarded by the rest of mankind; and the writer is therefore confident that these short and simple annals will accordingly be perused with intensest interest by myriads of the future inhabitants of his adopted country, when the

hand that now records them shall be stiff and motionless in the grave.

Major-General Sir Thomas Brisbane, K.C.B., was the sixth Governor of New South Wales, and entered on the government of the colony on the 1st of December, 1821. Sprung from an ancient family of high standing in the west of Scotland, of approved valour and ability as a general officer in the army, and distinguished among military men and men of rank by the fame of his scientific acquirements in the department of astronomy, the appointment of Sir Thomas Brisbane to the government of New South Wales was universally regarded as a circumstance of the happiest omen for the colony; and sanguine anticipations were formed of its rapid progress and general advancement under his administration.

In these anticipations, I confess, I fully participated; and as my forefathers had resided for upwards of a century and a half on a small property which had originally formed part of the Brisbane estate, and which they sold to emigrate to New South Wales, it was natural that I should look forward with the fondest anticipations to the benefits which I expected would accrue to my adopted country from the government of Sir Thomas Brisbane, and that I should have esteemed it the highest pleasure to have been the recorder of his fame. I am reluctantly compelled to acknowledge, that these anticipations were but indifferently realized.

Sir Thomas Brisbane was a man (to use the language of the world) of the very best intentions. If good wishes, or even liberal promises, could have been of any avail to individuals who required his assistance as the Governor of a British colony, he was not the man to withhold them; but being constitutionally disinclined to business, he was at the same time singularly deficient of that energy of mind which was requisite to carry his purposes into action; and t-

consequence was, that, though possessing for a considerable period the delegated powers of royalty, his good intentions were seldom realized, and his promises too frequently forgotten. It happened, therefore, as a matter of course, that, while overflowing with the milk of human kindness in his intercourse with all, he attached few, if any, to his person and government, and unhappily converted into his bitterest enemies those who would otherwise have been his warmest friends. In short, Sir Thomas Brisbane presents an instance of that singular assemblage of apparently inconsistent qualities of mind which we are so frequently called to witness in actual combination in the anomalous history of man. Brave even to heroism on the field of battle, and possessing a keen discernment in the field of telescopic vision, he was nevertheless destitute of that decision of character which is indispensably necessary to ensure pre-eminence in the field of the world; and which, moreover, in so far as my own experience and observation extend, constitutes the rarest, as it is perhaps the noblest, attribute of humanity.

As Sir Thomas Brisbane had but little inclination for business, the Government of the colony was entrusted, in great measure, for a considerable period after his arrival in the colony, to irresponsible inferiors, some of whom were as remarkable for their want of integrity as others for their incapacity: and the necessary consequence was, that while the general advancement of the colony was but indifferently studied, arbitrary acts—acts of injustice and oppression—were sometimes done, in His Excellency's name and under his authority, which his own better feelings and better judgment would in other circumstances have disallowed.

It was in these circumstances that a despicable system of espionage, which prevailed in the colony to a certain extent up to the period of the arrival of Sir Richard Bourke, and under which no honest man was safe for a moment, was

introduced and encouraged; for although Sir Thomas Brisbane would, in as far as he was personally concerned, have held such an instrument of government in perfect abhorrence, those who from time to time administered the government in his name had each his peculiar antipathies and predilections, which were diligently fostered by certain *listen-and-tell-all* aspirants for the honour and emoluments of informer-general of the colony: and, in a colony like New South Wales, abounding in needy adventurers, not less bankrupt in character than in fortune, the voluntary and undefinable duties of an office of this kind were likely to be sedulously discharged.

The government of Sir Thomas Brisbane will always be memorable in the annals of New South Wales as the era of free immigration. A few respectable families of the class of free emigrants had from time to time arrived in the colony, under the patronage of Government, during the administration of the preceding governors—a free passage being given them by the Government, and a grant of land on their arrival in the territory, with rations for their families and servants for a certain period afterwards from the King's stores. This system was discontinued, however, about the year 1818; Mr. Michael Henderson, a respectable free emigrant from the south of Scotland, who arrived in the colony during that year, and who resided for many years thereafter on the river Hunter, and William Howe, Esq., J.P. of Glenlee, also from the south of Scotland, who arrived with his family during the same year, having been the first free emigrants who paid their own passage to New South Wales.

Towards the close of Governor Macquarie's administration, the capabilities of the colony became somewhat better known than they had previously been in the mother country, and the tide of emigration consequently began to set in towards its shores on the arrival of Sir Thom

Brisbane, and continued to flow with a steadily increasing volume during the whole period of his government. The great distance of the colony, however, from the mother country, and the consequent expense of the passage-out, almost entirely precluded that humbler class of emigrants, which abounds in the British colonies of North America, from emigrating to New South Wales; and, as it was chiefly persons who possessed the means of affording employment to the convicts that the Government wished to emigrate to that colony, grants of land in its territory, duly proportioned to the amount of their real and available capital, were held out by the Home Government to those only who could produce satisfactory certificates of their possessing a capital of at least 500*l*. From these circumstances, the numerous free emigrants who arrived in New South Wales during the government of Sir Thomas Brisbane, were generally of a higher standing in society than the generality of the free emigrants who have settled in the British provinces of North America: some of them had been gentlemen-farmers, others were the sons of respectable landholders in the mother country; some of them had been unfortunate in mercantile speculations, and others had just saved the remains of a property which they found daily diminishing at home, to form the nucleus of a better fortune abroad; some were actuated by the spirit of adventure, while others had been impelled to emigrate by the pressure of the times.

These emigrants, according as each preferred a particular locality, settled, for the most part, either in the agricultural and pastoral country adjoining the cow-pastures, or on the open plains of Bathurst, beyond the Blue Mountains; along the thickly-wooded alluvial banks of the Hunter and its two tributary rivers, or in what was then called the *New Country*, or the district of Argyle. The general extent of their grants was from five hundred to two

thousand acres. Rations from the King's stores were at first allowed to each settler, and to a certain number of convict servants proportioned to the extent of his grant, for the term of six months after he had taken possession of his land; and he was also allowed a certain number of cattle from the Government herds, as a loan to be repaid in kind in seven years: but, in consequence of the number of emigrants rapidly increasing, these indulgences were afterwards discontinued.

The advantages resulting to the colony on the one hand, and to the Government on the other, from this influx of respectable free emigrants, during the administration of Sir Thomas Brisbane, cannot be better illustrated, than by contrasting the state of things in regard to the prison population at the close of Governor Macquarie's administration, when the tide of emigration was just beginning to flow to the colony, with its state shortly after the commencement of General Darling's, when it had been flowing steadily for several successive years.

I have already shown how Governor Macquarie's endeavours to transform the emancipated convicts into an agricultural population generally failed of success. In fact, agriculture was a sort of employment to which the great majority of the convicts were decidedly averse; and the first use which they usually made of their freedom, on the expiration of their respective sentences, was to betake themselves to the towns. From this cause the agricultural population of the colony was for a long period quite inadequate to supply the community with the means of subsistence; insomuch that, so late as twenty-five years after its first establishment, recourse had repeatedly to be had to India for grain at a prodigious expense to the Government. But as convicts continued to be poured into the territory every year, and as employment could not possibly be found for them all in the towns, Governor Macquarie was tempted

to form agricultural and penal settlements in various parts of the territory,—as, for instance, at Emu Plains, on the alluvial banks of the Nepean River, and at Newcastle, at the mouth of the River Hunter,—where numerous convicts were employed, on account of Government, in felling timber, and in the processes of agriculture. Land was accordingly cleared to a considerable extent, and buildings erected in these localities at a vast expense to the British Government. But when the rapid progress of the colony, from the influx of free emigrants during the government of Sir Thomas Brisbane, had rendered these establishments quite unnecessary, in the way of securing employment for the convicts, it was found that the value of the land in their immediate vicinity had been but little increased by all the labour that had been expended upon it, while the buildings were of no value at all, and were suffered, for the most part, to go to ruin.

But notwithstanding the great number of convicts that were employed at these expensive Government establishments towards the close of Governor Macquarie's administration, convict labour was so complete a drug in the colony, on the arrival of Sir Thomas Brisbane, and the Colonial Executive was so utterly unable to find suitable employment for the constantly increasing number on their hands, that any respectable person who pledged himself to the Government to employ and to maintain twenty convict servants could immediately, and without any other recommendation whatever, obtain a grant of two thousand acres of land, or one hundred acres for each convict servant. My father arrived in the colony as a free settler in the month of January, 1824, having an order for a grant of land from Earl Bathurst. On presenting the order at the Colonial Secretary's Office, he merely pledged himself to employ twenty convict servants, and accordingly obtained a grant of two thousand acres; but in the year 1823 my younger

brother, who had had no order from the Home Government, but merely offered to maintain ten servants, on applying for a grant of land, obtained a grant of one thousand acres; while other young men of the same standing and in the same employment, but a little more politic, by merely pledging themselves to maintain double the number of convicts, obtained double the quantity of land.

It was soon found, however, that in consequence of the continued influx of free settlers, the Colonial Government had by no means so large a number of convict labourers to dispose of, in proportion to the free emigrant inhabitants of the colony, as had been anticipated, and were consequently so far from either requiring or compelling the grantees to fulfil their engagements by maintaining the number of convicts they had respectively pledged themselves to employ, that they were even unable to supply them with the number they actually applied for. One Government farm was therefore wisely abandoned, and one penal settlement broken up after another; and the numerous convicts were distributed forthwith among the free settlers, who of course had comparatively little difficulty in devising ways and means of employing them advantageously in the cultivation and improvement of their respective farms. And so steadily did the demand for convict labour increase on the part of the free settlers, that during the government of Lieutenant-General Darling, there were at one time applications for no fewer than two thousand convict labourers, lying unsatisfied in the office of the principal superintendent of convicts.

I am, therefore, decidedly of opinion that Macquarie's procedure in discouraging settlement in New South Wales was impolitic and extreme; and I am equally confident, that had the Government had steadily followed up the suggestions of Governor Phillip, by encourag-

of free persons of reputable character in the earlier times of the colony, and by doing everything that was requisite to promote their comfortable settlement throughout the territory, not only would the colony have raised sufficient grain for its own consumption at a much earlier period than it actually did, and thereby saved the enormous expense incurred by the frequent importations from India and Batavia, but flourishing agricultural settlements would have been gradually formed with the utmost facility, and at little or no expense to Government, all over the territory; while the highly important process of converting the prison population into an agricultural population, would have gone on progressively and successfully; and the British Government would have been saved the enormous expenditure incurred on the Government and experimental farms of the colony—an expenditure which has proved of as little real benefit to the country as if the money had been thrown into the Pacific Ocean.

But, independently of these considerations, the long-continued neglect of the highly judicious recommendation of Governor Phillip, and the impolitic procedure of Governor Macquarie, gave rise to a most anomalous feature in the political constitution of New South Wales, which was long a fruitful source of perplexity to the governors, and of disunion in the colony:—I allude to the rise and influence of the Emancipist body as a separate class in the community. Had a system of free emigration been duly encouraged and steadily pursued from the first settlement of the colony, it would have been impossible for the class of emancipated convicts to have acquired anything like political preponderance in the country. They would have been subject to no political disabilities, as compared with the free emigrants; they would have *bought and sold, and got gain* as freely as others; and individuals of their number would ever and anon have been regaining, by the sheer force of

torious conduct, the place in society from which they had fallen, and the estimation they had lost. But their existence as a separate and prominent class in the colony—a class on which political demagogues might successfully practise, on whose universal suffrage they might count at all times, and on whose shoulders they might raise themselves to colonial distinction—would never have been dreamt of. The reader will doubtless perceive that such a state of things would have been much more favourable than the one which actually prevailed, for the peace and good government and general advancement of the colony; nay, much more conducive to the ultimate reformation of its convict, and emancipated convict, population.

From what I have stated relative to the principles and acts of Sir Thomas Brisbane's administration, it followed as a necessary consequence that his government was exceedingly unpopular. He was universally spoken against; and he was written against, I believe, by individuals who had the meanness to commend his measures in his own presence, and who had afterwards but slight reason to congratulate themselves on the change that ensued. He was accordingly relieved by orders from home; and he left the colony in displeasure, previous to the arrival of his successor, on the 1st of December, 1825, at the close of the fourth year of his government.

Before his departure, however, he was highly popular in the estimation of certain of the colony. His multitude of his political errors, and to his reputation to his colonial fame. In direct opposition to the maxims of Governor Macquarie's administration, Brisbane had, for nearly four years, been a dis-askance at the whole body of the emancipated convicts. He left the colony, it was understood, on the receipt of an invitation to dine with the Governor. He was accordingly invited, and dined with the Governor.

Holding as I do, that it was influential individuals among the originally free population of New South Wales who were all along the most unmindful of their duty, and the most blameworthy of the inhabitants of the colony, it will not be supposed that I would visit Sir Thomas Brisbane with censure for any act of his government, the obvious tendency of which was to conciliate and encourage deserving individuals of the class of emancipists. Still, however, as the act in question was virtually an act of censure passed by himself on the whole tenor of his previous administration, it was rather unfortunate that there was also some reason to regard it as a mere *ruse de guerre* to attain popularity, when it was no longer attainable in a less equivocal way. I am happy to be enabled to testify that, during my own residence in the colony, I have found many individuals of the class of emancipists who had really returned to those paths of virtue from which they had unhappily swerved in earlier life, had become exemplary husbands and exemplary wives, and reared highly interesting and promising children. Such individuals deserve every encouragement; and it was the duty of every Governor, and of every respectable inhabitant of the colony, to conciliate and encourage them to the utmost of their power. At the same time, it cannot be denied that individuals of this character did not constitute the majority of those who either could or would invite the Governor to dinner.

Besides, there was a moral significancy in this act of the Governor's, which rendered it of far more importance in a moral and political light than he was perhaps aware. The rapid progress of the colony since the close of Sir Thomas Brisbane's administration, has enabled many reputable individuals of the class of emancipists to acquire considerable property in the colony, in a fair and creditable and unexceptionable way; but the great majority of those of that class who had acquired wealth at the period in q

had done so by the sale of rum and the practice of enormous extortion, by grinding the faces of their poorer brethren, and by getting possession of their property through oppressive and iniquitous law-suits. In such circumstances, it was the bounden duty of Sir Thomas Brisbane to have considered beforehand whether an act of his, in his capacity of Governor, which should proclaim to the world that individuals who had become wealthy by such processes as these were nevertheless reputable men, and fit associates for the representative of the sovereign, would not be tantamount to an authoritative lowering of the standard of morals throughout the territory.

I happened to be absent on a voyage to England during the last fifteen months of Sir Thomas Brisbane's administration; but on returning to the colony, a few weeks after he had sailed for England, I was incidentally shown¹ a copy of a document which had just been forwarded for the inspection of Earl Bathurst, who was then principal Secretary of State for the Colonies, by certain of the leaders of the Pure Merino or Exclusionist party, as a set-off against the Addresses which the Governor had received from the Emancipists and their friends on leaving the colony. It was what the French would call a *Catalogue Raisonné* of the Emancipists whom His Excellency had honoured with his presence at the public dinner; and it not only described their rise and progress in the colony, but raked up the ashes of crimes committed in England, of which the memory was probably supposed to have been long buried in oblivion. I could not help regarding with a strong feeling of reprobation the superlatively evil spirit which this precious document evinced, while at the same time I could not help admiring the consummate artifice with which it was concocted. It accompanied a petition to Earl Bathurst, thank-

¹ By the late John Macarthur, Esq.

ing his Lordship for granting the colony a Legislative Council, and praying for the appointment of a few additional nominee members to that body, which, it was doubtless presumed, would consist exclusively of thorough-bred exclusionists—men whose information was generally as limited in regard to the real interests of the colony as their views were selfish and illiberal. Such a petition, with such an accompaniment, could not fail to be well received at Head Quarters in the year 1826 ; and the more general petition for the extension of free institutions to the colony, which had been got up chiefly by the Emancipists and their friends, and which Sir Thomas Brisbane had engaged to recommend, was consequently treated with derision.

General Darling is well known to have kept himself at a great distance from the whole body of the Emancipists during the entire course of his government, and to have strongly discouraged every effort on the part of the colonists to obtain the concession of free institutions. How far he acted in these respects agreeably to instructions from home, I am not prepared to say ; but as he was doubtless favoured with a copy of the document I have just described on his arrival in the colony, there is reason to believe that his throwing himself at once into the hands of the Pure Merinoes or Exclusionists, and thereby adopting a line of policy the very reverse of the one of which his predecessor had just left him an example, arose in great measure from an indistinct apprehension that he should otherwise have incurred the ridicule of wise and honourable men. A man who both knew his duty, and could fearlessly perform it, whatever the world chose to think or say of him, would doubtless have been superior to such considerations ; but General Darling's well-known feverish sensitiveness in regard to the public press, clearly shows that he was subject to influences of this kind in no ordinary degree.

But there was a worse feature in this conclusion—

Sir Thomas Brisbane's administration than any I have yet noticed. Shortly before his departure, he had been invited to a parting dinner by a deputation from the respectable free emigrant inhabitants of the colony; and of this invitation he at once expressed his entire willingness to accept, *provided that certain of the leading emancipists should also be invited.* The deputation, however, having no previous authority to accept any such conditions, requested permission to consult their constituents on the subject; and the result of that consultation was, that the honour of Sir Thomas Brisbane's presence should, on such conditions, be respectfully declined. A public dinner is the usual recipe of all unskilful speculators on the chemical affinities of different classes of men; and Sir Thomas Brisbane was doubtless induced, as Governor Macquarie had been before him, to believe that by that notable expedient he could unite together in one beautiful harmonious whole the heterogeneous and discordant materials of which Australian society was then composed. But in assuming a right to dictate to reputable men as to who should be invited to their company or society, Sir Thomas Brisbane was carrying his viceregal prerogative a step further than even Governor Macquarie had done, and was making effectual provision for the perpetuation and exasperation of those evil feelings which he was vainly professing to allay.

Governor Macquarie had not only invited to his table individuals of the class of Emancipists, on certain public occasions, when the officers of the Regiments then stationed in the colony, to whom these individuals were peculiarly obnoxious, were bound to be present, but had even got them privately invited by the commanding officer to the Regimental mess-dinners, on occasions when Governor Macquarie dined with the Regiments, without the knowledge or concurrence of the majority of the officers. But these injudicious attempts at amalgamation uniformly produced

effects the very opposite to those intended ; and it is only remarkable that, after they had been strongly and decorously reprobated by the Commissioner of Inquiry, in his printed Report to the House of Commons, they should have been repeated so very shortly afterwards by Sir Thomas Brisbane.

The following are the judicious remarks of Mr. Commissioner Bigge, to which I allude :—

“ The influence of the Governor's example should be limited to those occasions alone, when his notice of the emancipated convicts cannot give offence to the feelings of others, or to persons whose objections to associate with them are known. The introduction of them on public occasions should in my opinion be discontinued ; and when it is known that they have been so far noticed by the Governor of New South Wales as to be admitted to his private table and society, the benefit of the Governor's example may be expected to operate ; and it will also be exempt from the fatal suspicion of any exercise of his authority.”

Arriving, therefore, in New South Wales with all the recollections of my boyhood—the time when returning from the parish school in the north of Ayrshire, I was proud to be noticed by Sir Thomas Brisbane, and to be asked the meaning of some line in Virgil or Ovid—I could not help wishing from the bottom of my heart, that His Excellency's name might be associated in every future age with the intellectual and moral advancement of my adopted country. Alas ! the hopes I had formed were crowned with disappointment ; for when I ask, *What Sir Thomas Brisbane did for New South Wales ?* I pause in vain for a reply.

During the government of Sir Thomas Brisbane, considerable progress was made in the way of discovery in the interior. In the year 1819, a large river flowing inland, like the Lachlan and Macquarie rivers beyond the Blue Mountains, and called by the black natives the Murrumbidgee, had been discovered in the country to the southward and westward, generally known as the T

or Argyle: and in the year 1823, Captain (afterwards Sir James) Stirling, R.N., and Captain Currie, R.N., in the course of an expedition to the southward, discovered an extensive tract of undulating country, naturally clear of timber, and watered by that river, at a point much nearer its source than had previously been reached by any European. In honour of the Governor, this valuable tract of *new-found land* was named by its discoverers "Brisbane Downs;" but it has since been much more generally known by its native name of Monaroo, or Maneiro Plains. It has since been ascertained to extend from the Great Warragong Chain (the Snowy Mountains, or Australian Alps), in the 149th degree of east longitude, to the mountain range which runs parallel to the east coast, from latitude 36° 15' South, forming a table-land of about a hundred miles square, and distant about forty miles from Twofold Bay. Maneiro Plains, which are at least three thousand feet above the level of the sea, and of which the climate in winter is exceedingly cold, are now occupied by a goodly number of colonial squatters, having each herds of cattle and flocks of sheep, as numerous as the flocks and herds of the patriarch Job.

In the following year Messrs. Hovell and Hume—the former a retired ship-master, who has been for many years a respectable settler in the colony, and the latter a highly enterprising native of New South Wales, recently deceased—undertook an overland journey, chiefly at their own charges, from Lake George, in the county of Argyle, to Bass's Straits. Getting entangled, at their outset, among the mountains towards the sources of the Murrumbidgee, they were obliged to proceed to the westward as far as the 148th degree of east longitude, where they found an open pastoral country, and were enabled to pursue a southerly course. In latitude 36° South they discovered and crossed the Hume River, a deep and rapid stream, of about a hundred yards in width, running

to the north-westward; and in latitude $36^{\circ} 40'$ they discovered another rapid river, of smaller size, which they called the Ovens, also pursuing a north-westerly course. And in latitude 37° South they discovered a third river, which they named the Goulburn, formed from the junction of various mountain streams, and running in the same direction. From thence they pursued an easterly course, and, traversing a beautiful open pastoral country, they at length beheld the coast range of mountains, and reached the north-eastern arm of Port Phillip on the 16th of December, 1824, supposing all the while that it was Western Port.

About the same time the late Mr. Alan Cunningham, a Botanical Collector for the Royal Gardens at Kew, discovered the Cudgegong River, a tributary of the Macquarie, about fifty miles to the northward of Bathurst, on the banks of which various stock-stations were speedily formed. Mr. Cunningham also discovered a practicable pass, which he named Pandora's Pass, from the upper part of the district of Hunter's River into Liverpool Plains, an extensive pastoral country to the northward and westward, previously discovered by Mr. Oxley; and he also ascertained the limits of the plains to the westward and northward. These extensive plains are now occupied by numerous colonial squatters with their flocks and herds.

But the most important discovery effected during the government of Sir Thomas Brisbane was that of a large navigable river in the extensive bight on the east coast, called Moreton Bay, of which the general outline had been laid down by Captain Cook, and which was afterwards partially surveyed by Captain Flinders. In consequence of the recommendation of Mr. Commissioner Bigge, that a new penal settlement should be formed either at Port Bowen, Port Curtis, or Moreton Bay, to the northward of Port Jackson, and of instructions, in pursuance of that recommendation, from Earl Bathurst, the late John Oxley, Esq.,

who was then Surveyor-General of New South Wales, was directed by Sir Thomas Brisbane to proceed to Port Bowen, in the year 1823, to fix on a proper site for the proposed settlement, but to examine Moreton Bay on his voyage thither. Mr. Oxley accordingly embarked at Sydney, in the month of October, 1823 ; and in the month of December following, from a report he had received from a shipwrecked mariner whom he found at Moreton Bay, he effected the important discovery of the Brisbane River, one of the largest rivers on the east coast of Australia, which empties itself into Moreton Bay, in latitude $27\frac{1}{2}^{\circ}$ South.

A penal settlement was accordingly formed, in the year 1824, on the banks of the Brisbane ; and the river, which was found to be navigable sixty-five miles, was afterwards traced to its sources in ranges of moderate elevation, but at no great distance to the northward. It receives several considerable streams in its course, particularly the Bremer River, which, together with the main river, traverse a large extent of eligible country, capable in every respect of supporting a numerous population.

The penal settlement at Moreton Bay, at which there were at one time not fewer than eleven hundred convicts, under colonial sentences, was kept up till the year 1842, when the remaining convicts were at length withdrawn, and the district thrown open to free emigration. The district of Moreton Bay was eventually separated from New South Wales, and is now—since the 10th of December, 1859—the noble colony of Queensland.

Trial by jury, in civil cases, and the freedom of the press were established in the colony during the government of Sir Thomas Brisbane; and Van Dieman's Land, or Tasmania, was separated from New South Wales, and became a distinct colony at the close of his administration.

There was no census of the population taken during the

government of Sir Thomas Brisbane ; but as the census of 1821, taken immediately before the departure of Governor Macquarie, exhibits a population of 29,783, while that of 1828 shows a population of 36,598, the mean of these two numbers, viz. 33,190, may be taken as the amount of the population in 1825, the last year of Sir Thomas Brisbane's government.

CHAPTER VIII.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
DURING THE GOVERNMENT OF LIEUTENANT-GENERAL
SIR RALPH DARLING, K.C.B.

O fortunatos nimium, sua si bona nôrint,
Agricolas ! VIRGIL.

The colonists of New South Wales would have enjoyed much higher prosperity, and escaped much disappointment and disaster, had they made a proper improvement of their opportunities.

LIEUTENANT-GENERAL Sir Ralph Darling was the seventh Governor of New South Wales. He assumed the government on the 19th of December, 1825 ; the affairs of the colony having been administered for eighteen days previous to his arrival by Colonel Stewart, of the Third Regiment, or Buffs, afterwards a resident landholder in the Bathurst district of the colony and a Major-General in the army.

The reputation of General Darling has suffered extremely in the estimation of the public from the ill-judged officiousness of his friends, as well as from the malice of his enemies ; it is my intention to rescue it from the hands, and to do justice in the face, of both : and as I cannot charge my selection with having received any personal favour from His Excellency, and as his ungracious refusal to attend to my suggestions which I had submitted to him with a view to promote the interests of education, and the inconvenience which he occasioned me the inconvenience of my frequent journeys to England, besides exposing me to personal suffering and pecuniary loss, I cannot but be sensible of partiality, if my estimate of his merits be not

ment should be somewhat less unfavourable than the one generally current.

It was commonly understood in the colony that General Darling had attained the rank he held in the army, rather through his literary than his military prowess; and the circumstance was often referred to by the colonial opposition newspapers, to his discredit. For my own part, I conceive it was just the circumstance that rendered him the fittest military man for the government of a colony. In such cases, I apprehend it is quite immaterial whether an officer has merited distinction by his pen or by his sword; but it is a sorry prospect for a colony, for its Governor to be able to wield only the latter of these weapons with dexterity and effect. Courage, whether active or passive, is by no means a rare virtue, either in savage or in civilized society; but the higher qualities of mind, which are essential for situations of extensive command, are exceedingly rare. The question of importance, therefore, is not how these qualities have been elicited, but whether they exist at all in the candidate for power.

General Darling's was by no means a mind of the first order, but his talents were at least equal to those of the generality of mankind. He had naturally a correct judgment, a strong sense of justice, and a keen discernment of propriety: neither was he destitute of those qualities of the heart without which the higher powers of intellect are oftener a curse than a blessing to mankind. Indeed I am fully persuaded, that on his arrival in New South Wales, General Darling was sincerely desirous of discharging the duties of his station with credit to himself, with satisfaction to his superiors, and with general benefit to the colony.

There are certain impressions, however, to which men of particular classes and professions are peculiarly subject (Bacon gives them the singular appellation of *idols of the*

den), which often serve to neutralize the proper qualities of the individual, and to exert a powerful influence on the whole course of his conduct. The military man, for instance, is always *under authority*: he is consequently much less a free agent than the rest of mankind; he waits uniformly for the word of command; and instead of regulating his procedure according to his own sense of propriety, he looks upwards for direction to some superior authority, who, like the Jupiter of the ancients, shakes Olympus with his nod. It is impossible but that such a state of things should exert a powerful influence on minds originally formed of second-rate materials: hence it follows that in cases of emergency, and when thrown entirely on their own resources, military men, who, we should expect, would always evince the greatest decision of character, sometimes exhibit the least.

The military man, moreover, is also peculiarly unfitted by his previous habitudes of mind for dealing with opposition, when he happens to be invested with civil authority. Opposition, in the various forms which it assumes in reference to such classes of men, is the natural element, so to speak, of the statesman, the lawyer, and the merchant. It is the atmosphere they breathe: it is the food that supplies nourishment to those intellectual powers that contribute the most materially to their ultimate success. So far from considering its occurrence as a thing unreasonable, they view it as a matter of course, and regard it only as affording a proper and perhaps desirable opportunity for the development of their own superior tact and ability. But the military man, when invested with civil authority, is apt to regard opposition to his measures on the part of private individuals in a very different light. Accustomed to yield implicit obedience to the superior authority to which he has himself been subject, he is apt to expect implicit submission from those whom he naturally looks upon as his own inferiors; and the

very idea of a demonstration of resistance to his authority is consequently sufficient to make him *stiffen his sinews, stretch his nostrils wide*, and place himself at once in the attitude of offensive warfare. In short, so far from inducing compliance or concession, opposition is apt to confirm the military man in the pursuit of those obnoxious measures which he has once adopted.

The extreme unpopularity of General Darling's government arose, I apprehend, in great measure, from his being under the influence of these *idols of the den*—a species of idolatry under which minds of a higher order would doubtless not have bowed. Naturally desirous to stand well with his superior officer, and holding it a sort of disobedience of orders either to think or to act for himself, in any case in which it was possible to ascertain or to guess at his opinion, he unhappily distrusted his own judgment, which in most cases would have pointed out to him the proper course, and allowed himself to be guided by the opinions of men who were unqualified to direct him. In a colony in which the measures of Government are uniformly open to the most jealous and frequently to the most illiberal criticism, it was not wonderful that circumstances should arise in General Darling's administration of public affairs, to form the plausible groundwork of a regular opposition on the part of an influential portion of the colonial press. This opposition would at best have been exceedingly feeble, and would speedily have been entirely annihilated, had he merely pursued a straightforward course, without condescending to notice it; or silently adopted a hint occasionally for the improvement of his plans. But his friends persuading him that his government was in danger—the old hue and cry of incapacity—and that it was necessary to put down opposition with the strong hand of power, hostile and vindictive measures on the part of the Government were eagerly resorted to: nay, who presumed to entertain a different opinion on so im-

subject, and to hold intercourse with those who had been gratuitously branded as the enemies of the State, was immediately marked as a disaffected person, and treated accordingly.

In such circumstances it was soon found necessary to strengthen the Government party, by attaching the individuals who composed it as strongly as possible to His Excellency's person and government. Their loyalty was of course rewarded with lucrative employments, and with all the other indulgences that Government could bestow ; and the system of egregious partiality that was thus notoriously practised served only to originate and embitter disaffection. In short, instead of acting with the magnanimity and decision which befitted his station as the Representative of Royalty, General Darling followed the course of short-sighted policy which was recommended for his adoption by the selfish politicians *in petto* whom he admitted to his councils ; for he was unhappily surrounded by men of hopeless mediocrity, whose incessant cry was that of the daughters of the horse-leech, "Give, give;" and whose contemptible cupidity was only equalled by their narrow-mindedness and vindictiveness.

I have already hinted, that the persons into whose hands the Governor thus virtually surrendered himself were of the sect of exclusionists. They were exclusionists in politics, and would willingly have subjected, not only the whole class of Emancipists, but moderate persons of all classes throughout the colony, to political disabilities. They were exclusionists in place and property, eagerly endeavouring that whatever the Governor had to give in the shape of land, or town allotments, or convict labour, or appointments of emolument, should be given exclusively to themselves or their dependents. They were exclusionists in religion, which a few of them professed by *paying tithes of mint, and anise, and cummin*, in the shape of paltry subscriptions to

religious societies; and their motto and device was, *We are the people. Stand back, for we are holier than you.*

It will doubtless be considered greatly in favour of General Darling, that he devoted all his time and talents to the personal discharge of the duties of his office. If there was a single individual in the colony who allowed himself no unnecessary rest and no unnecessary recreation, it was the Governor. Every case, even of minor importance, that occurred, received his personal consideration; every letter had to be submitted for his personal perusal. Mistakes and errors of judgment might occur under such a system; but whensoever and wheresoever they occurred, they could not be imputed to the Governor's neglect.

General Darling also deserved well of the colony for the regularity and the system he introduced into every department of the public service. Previous to his arrival, the colonial state-machine was frequently out of order; and it was often a matter of difficulty to ascertain which of its wheels should be touched, to set it a-going in a particular direction. In General Darling's time it was remarkable for the regularity and precision of its movements. The duties of each department were ascertained and fixed, so that one could not interfere with another. Forms of application and forms of procedure were established, which greatly facilitated the transaction of public business, though, to the eye of ignorance, or prejudice, or malice, they rather tended to retard and to perplex it. A disposition of this kind, however, is apt to run to extremes. General Darling was too much a man of forms and system; and his successor, Sir Richard Bourke, soon found, that by simplifying his arrangements, he could get through more business with fewer hands.

In the apportionment of grants of waste land on the part of Government, General Darling has been accused of great partiality to certain parties, and of great injustice and

oppression to others. It was certainly unfortunate for his popularity, that his person was beset by individuals, who were not restrained by any considerations of propriety from possessing themselves of whatever their personal influence could procure ; and it is equally undeniable that a strange want of feeling was evinced on different occasions towards reputable persons who were desirous of settling in the country, and who were thus obliged to expend their time and their means in Sydney to no purpose whatever. In this respect, the government of General Darling was decidedly unfavourable to immigration, and was therefore in so far unfortunate for the colony. At the same time, I have reason to believe that the errors of his government, on both of these points, were greatly exaggerated by interested or disappointed individuals ; and that what were trumpeted about as acts of oppression, sometimes arose from a system of management which the Governor had established for the public benefit, and with the details of which he could not properly interfere.

Great irregularities had certainly arisen from the operation of the system adopted in the granting of land during the government of Sir Thomas Brisbane ; for I have myself heard of the case of an individual, who, having come to the colony from the Isle of France for the recovery of his health, was induced, on hearing of the facility with which land could be obtained from the Colonial Government by persons newly arrived in the colony, to apply for a grant of two thousand acres of land ; which he accordingly received, and immediately sold to an old resident in the country, without ever having seen it himself, for the sum of five hundred pounds. He left the colony very shortly afterwards with his health restored, and his purse unexpectedly and very agreeably replenished.

To correct such abuses, General Darling instituted a Board of Inquiry, under the designation of the Land Board,

and established certain regulations for the granting of land, shortly after his arrival in the colony. Agreeably to these regulations, land was thenceforth to be granted in proportion to the property or means of the applicant, and not to be granted to such applicant at all, unless there was reason to believe that he was able and willing and likely to improve it. The operation of these regulations, which were doubtless conducive to the general welfare of the colony, may perhaps, like all other general rules of policy, have been oppressive in particular cases ; but I am also able to refer to other cases, in which, on a plain and candid statement of the circumstances of the applicant being laid before him, General Darling was induced to depart from the strict letter of his own regulations, and in which his doing so evinced equal discrimination and humanity.

An Englishman who had married a Scotchwoman in London, by whom he had an interesting family of very fine children, had arrived in the colony as an indentured free servant of the Australian Agricultural Company. After about two years' service, his indenture was given up to him, and he was allowed, in the technical phrase of the colony, "to go upon his own hands." During their period of service, and especially after they had acquired their entire freedom, the industry of the husband and the economy of the wife had enabled them to accumulate a considerable sum of money—as much, indeed, as two hundred pounds. After they had resided for some time in the town of Sydney, where they had settled on leaving the service of the Company, I had the honour of a visit from my virtuous countrywoman, to apprise me that her husband and herself thought they could do better for their family on a farm than by continuing to live in Sydney, and that they were accordingly desirous of obtaining a grant of land. I offered to assist them in the attainment of their object, and with this view procured one of the printed forms, with which I went

on the day following to their little cottage. *There* the whole savings of the family were displayed for my inspection, in all the endless variety of coin with which the money-changers of Sydney were at that period acquainted. After having duly ascertained the amount, I made a short statement of the history, circumstances, and property of the family, on a blank corner of the printed form, which I attested forthwith, and forwarded to the Governor. In a very few days afterwards, and without the application being referred to the Land Board at all, the happy family received a letter, informing them that the Governor had been pleased to allow them 320 acres of land in the first instance; on their taking possession of which they were to have 320 more, i. e., a square mile altogether.

I have reason to believe that, during General Darling's administration, more of this sort of work passed through my own hands than fell to the lot of any other minister in the colony; and I am happy to say, that in almost every instance I had reason to speak well of the judiciousness and humanity of General Darling.

The value of land in the interior of a colony is increased in proportion as facility is afforded for direct and frequent communication with the capital. In this respect General Darling certainly merited commendation; rather, however, for the magnitude and extent of his undertakings than for their uniform judiciousness; for as this important branch of the public service was most preposterously made an affair of patronage, and as petty jealousies and antipathies unhappily interfered to prevent the employment of that particular kind of talent which was required for the economical and efficient discharge of the duties it implies, much public money was expended with comparatively little benefit to the public. The road to Bathurst across the Blue Mountains was greatly improved, however, during General Darling's administration. A good road was also constructed,

by the labour of convicts who had been found guilty of minor offences in the colony, to the very important settlement of Hunter's River—a distance of one hundred and thirty miles—not to mention various cross-roads in that settlement; while several gangs were employed in opening a permanent line of communication with the extensive pastoral country to the southward and westward, beyond the county of Argyle.

It cannot be denied, however, that in carrying into effect the sentences of the law, which consigned a portion of the prison population of the colony to hard labour on the roads, or at penal settlements, there was much unnecessary severity practised under the authority of General Darling. He had doubtless received orders from home to subject the convicts to a more rigorous discipline than the one to which they had previously been subjected: but in enforcing these orders, the convicts under colonial sentences were not unfrequently treated by his subordinate agents, who had always discernment enough to discover that severity was the order of the day, with a reckless indifference to their feelings as men, which their situation as criminals could never have warranted.

There were four remarkable epochs in the government of General Darling, each of which might almost constitute an era in the history of the colony. The first of these was the era of general excitement; the second the era of general depression; the third was the era of drought; and the fourth the era of libels.

I. In the year 1825—so memorable for the rise and fall of numerous joint-stock companies in England—a company of that nature was established in connexion with the colony of New South Wales, by certain members of Parliament and other gentlemen connected with the wool trade, in the city of London. It was incorporated by Royal Charter, under the designation of the Australian Agricultural Com-

pany ; its object being the cultivation of land in New South Wales, the rearing of fine-woolled sheep, cattle, and horses, and the general improvement of the colony. Its capital was a million sterling ; and, in consideration of its highly important objects, the minister of the day agreed to give it a million of acres of land, free of cost, in whatever part of the territory the agents of the Company might choose to select their grant. About the same period extensive grants were also obtained by certain members of Parliament and private gentlemen of property in England, whose agents arrived in the colony with their host of retainers, about the same time as those of the Agricultural Company, or shortly before the arrival of General Darling.

The colony was at that period in a state of progressive, but by no means rapid improvement : agricultural stock was obtained by the free emigrant settler at a moderate rate, and agricultural produce bore a remunerating price. In the year 1823, a good horse could be purchased for 20*l.* to 50*l.* currency, or in dollars at five shillings each ; a good cow for 5*l.* to 7*l.*, and sheep in proportion. During the succeeding years of the government of Sir Thomas Brisbane, the price of agricultural stock had advanced considerably in consequence of the influx of free emigrants from Great Britain, and the numerous grants of land that were then taken possession of in the districts of Hunter's River, Bathurst, and Argyle : for as these grants had all to be stocked with sheep and cattle, the old settlers found a ready and improving market for their superabundant stock among the new arrivals.

The Australian Agricultural Company commenced operations in the year 1826 ; but these operations eminent in their character, and too extensive powerful and immediate influence on a community as that of New South Wales : for as cattle and horses had to be purchased for the Company,

could be got, the price of these descriptions of agricultural stock rose rapidly throughout the colony; insomuch that cattle of colonial breeds were actually sold to the Company's agent for twelve guineas, and sheep for four or five guineas sterling a head. The extensive purchases of agricultural stock that were made about the same period for the large tracts of land granted to private individuals, doubtless contributed also in no small degree to enhance its price in the colonial market.

Those only who witnessed the infatuation of multitudes in England on the formation of the Joint-stock Companies of 1825, or the Railway Companies of a later period, will be able to form any idea of the state of things that immediately ensued in New South Wales: for no sooner had the existence of the Agricultural Company been duly announced, and its operations commenced in right earnest, than the *sheep and cattle mania*—a species of madness undescribed by Cullen, and formerly unknown even in the colony—instantly seized on all ranks and classes of its inhabitants. We are told by the historian Thucydides, that, during the prevalence of the plague in Athens, the wretched victims of that hopeless disease were impelled by their intolerable thirst to the fountains and streams of water, around which they died in great numbers. The colonial mania I have just mentioned evinced itself in like manner in impelling whomsoever it seized to the cattle-market; and as my own residence in Sydney at that period was in the immediate vicinity of that busy scene, I had frequent opportunities of observing the congregated patients, and abundant reason to wonder how the matter would end: for barristers and attorneys, military officers of every rank and civilians of every department, clergymen and medical men, merchants, settlers, an dealers in general, were there seen promiscuously mingle together every Thursday, and outbidding each other in the most determined manner, either in their own persons or

proxies of certified agricultural character, for the purchase of every scabbed sheep or scare-crow horse or buffalo-cow that was offered for sale in the colony. In short, it was universally allowed that the calculations of the projectors of the Agricultural Company could not possibly be inaccurate. Their statements and reasonings were supported by arithmetical—which every person allowed were the best of all—arguments; and it was made as clear as daylight to the comprehension of stupidity itself, that the owner of a certain number of sheep or cattle in New South Wales, must, in a certain number of years, infallibly make an independent fortune. It was consequently determined on all hands and by all sorts of persons that the Agricultural Company should not be the only reaper of this golden harvest. The professional men and the Sydney merchants, who had become extensive sheep and cattle owners, generally employed hired overseers to manage their stock in the interior; but there were individuals, even among these classes, who thought the matter too momentous to be entrusted to a deputy, and accordingly followed their purchase to the interior themselves. Nay (and the reader will observe I do not speak at all metaphorically), even the soldier unbuttoned his military belt to become a keeper of sheep; and the priest, reversing the ancient metamorphosis in the case of the prophet Amos, forsook his altar to become a *herdman of cattle*.

In all cases in which the purchaser had money to pay for his sheep and cattle, money was paid; but where money was not forthcoming, as was generally the case, credit was allowed, if the individual was supposed to be a person of substance; and security was often tendered and accepted on the purchaser's land. One gentleman, who had a large herd of inferior cattle, got them disposed of in this way to respectable free settlers, at the rate of ten guineas a head, with security on the purchasers' land for two years, and

ten per cent. interest besides on the whole amount of the purchase till its ultimate payment.

The reader may perhaps imagine that I must have been a dealer in sheep and cattle myself to have acquired all this unclerical knowledge: I have never, however, had a single head of either in the colony, with the exception of having once had a cow for a short period for the use of my family. But it was impossible to live in New South Wales at the time I allude to without acquiring much more knowledge of this kind than was at all desirable. "Their talk," as Dr. Johnson remarks of some of his friends in the country, "was all of runts," or heifers. If an advice was given in company, it was by all means to *get into a good stock*, for *there was nothing like it*. If a difference of opinion arose, it was either whether Saxon or Merino, fine or coarse-woolled sheep were the most profitable, or whether it was advantageous to attend exclusively to the wool, or to combine with all due attention to that matter of universally-acknowledged interest a proper regard to the carcase. In short, the whole community seemed for a considerable period to have only one idea; and this exclusive and universally-predominant idea was, that of rapidly acquiring an independent fortune by the rearing of sheep and cattle.

It was not at all to be wondered at, that persons who were so speedily to be enriched beyond their highest previous expectations, should begin to speculate prematurely on their good fortune. If a matrimonial alliance with the Sultan's daughter was not projected, as in the case of the crystal-seller of Bagdad, it was at all events fitting that articles of dress, and furniture, and equipage suitable for a consummation so devoutly to be wished, and so reasonably to be expected, should not only be bespoken, but actually procured. Such articles were accordingly ordered, and bills were given for their due payment; and so favourable was the prospect of demand for the future, th

merchants or importers were induced to order large quantities of British and other foreign goods, till their warehouses were completely filled, and till almost every article of British manufacture could be obtained in Sydney at a cheaper rate than in London.

What might have been the ultimate issue of the *sheep and cattle mania*, had the seasons continued as favourable after the harvests of 1825 and 1826, as they had been for a long time previous, I do not know. It was evident, indeed, to every person of understanding, that, as cattle, and sheep, and horses must increase in a geometrical ratio in a country so admirably adapted for the rearing of agricultural stock as New South Wales, while the population of the colony could increase only in an arithmetical ratio,—a time must arrive, sooner or later, when their numbers would so far exceed those of man that the price of them must fall prodigiously. But although this was admitted on all hands, every purchaser persuaded himself that his own fortune at least would be made long before the price of agricultural stock could experience any considerable depression.

It pleased Divine Providence, however, to visit the colony, in the midst of these speculations, with an afflictive drought of nearly three years' continuance; the effect of which, combined with the natural result of the *sheep and cattle mania*, was completely to open the eyes of the colonists to their own folly and madness, to blast the golden hopes of thousands, and to bring many respectable families to poverty and ruin. In short, the body politic of the colony had passed through a crisis of violent and unnatural excitement, which, according to the well-known maxim of Hippocrates, the father of medicine, must necessarily be followed by a corresponding crisis of unnatural depression.

II. During the years of drought, the sheep and cattle, which had been purchased so extensively in the years 1826 and 1827, increased in number very rapidly; for the native

grass of New South Wales is so nutritious, that cattle, especially, that are able to obtain abundance of good water, continue to thrive even in the driest seasons. A few cattle, it is true, were lost, in several parts of the colony, in attempting to find water where it was scarce; but the number was very inconsiderable. Indeed, some idea of the capabilities of the colony, in regard to the rearing of cattle, may be formed from the unparalleled fact, that within six months after the termination of a drought of nearly three years' continuance, butcher-meat of the very best quality could be purchased in Sydney, in quantities of not less than the half or the quarter of a carcase, at three farthings a pound,—a price which was scarcely exceeded during the three following years.

During the prevalence of the drought, however, many of the settlers or landholders were brought into considerable difficulties from having to purchase grain at a high price for their families and servants; for during one of the years of drought, grain was imported from Tasmania and elsewhere, for the internal consumption of the colony, to the amount of not less than 50,000*l*. In the meantime, the numerous bills granted for the sheep and cattle purchased in the years 1826 and 1827 began to fall due, while the high interest (generally ten per cent.) on mortgages given for the same purpose rapidly accumulated, till at length creditors became imperative in their demands for payment, being themselves generally pressed by other creditors either in the colony or in England; and debtors who had nothing but their stock and their land to look to, found themselves suddenly and unexpectedly ruined. Month after month herds of cattle and flocks of sheep were seized and sold for the payment of debts incurred by their original purchase; and this process was so frequently repeated, and the price of sheep and cattle consequently fell so rapidly, that when the original stock, with its whole increase during three suc-

cessive years, failed to realize anything like the amount of its original price, which very soon proved to be the case in many instances, the settler's farm was seized and sold also, and himself perhaps ultimately lodged in jail. The reader will easily conceive, that the distress and ruin which were thus experienced in all directions, would just be a little less extensive than the mania which had originally caused them. In short, those who had commenced with capital found they had lost it in great measure ; those who had salaries from Government found that these salaries must in future be appropriated for the payment of the debts which their own cupidity and infatuation had led them to contract ; and those who had neither capital nor salaries at the first had their property brought to the hammer, and themselves to poverty or to prison.

In the course of an excursion to the settlement of Hunter's River, for the performance of clerical duty, in the month of March, 1830, I went a few miles out of my way to see an interesting and sequestered part of the country I had not previously visited, and to call on a respectable settler with whom I had previously formed some acquaintance. On my way to the settler's farm, my horse happening to prick up his ears at something he seemed to observe near the pathway, I looked in the direction to which the animal's attention was attracted, and observed two eagles in the act of killing a young kangaroo of one of the larger varieties, which it appeared they had just succeeded in hunting down. The eagles were scared at my approach, and accordingly, leaving their prey and perching themselves very leisurely on the low branches of trees almost overhead, looked down at me with as much apparent inquisitiveness and dissatisfaction as if they would have said, "Pray, sir, how came you to deprive us of our game?" while the poor kangaroo, which had only been stunned or slightly wounded, instantly sprang up, and bounded off with prodigious leaps down the

valley. The species of hunt which I had thus unconsciously interrupted is always managed by two eagles in concert, the one of which continues from time to time to fly at the kangaroo's face till the poor animal becomes confused, while the other is ready, whenever it stands still, to pounce upon its head, and sink its talons into its brain.

On my arrival at the settler's residence, I was gratified to find him at home, and to experience a cordial welcome. His house was well enough for the *bush*, as the country is generally termed in the colony—half-shingled and half-covered with bark. The furniture was rude in the highest degree; but the plain and substantial repast, of which I was invited to partake before resuming my journey, was all the produce of the farm, and was accompanied with a sort of seasoning which is not always to be had in the colony—I mean genuine *Attic salt*; for the settler, having received a liberal education in his youth, quoted in the course of my short visit a well-known epigram, which the classical reader will doubtless recollect, and the subject of which was the circumstance of the statue of Victory in the Senate-House of Rome being accidentally despoiled of its wings. I was sorry to find in the course of my visit that the quotation was capable of a personal reference to the settler himself, as the following circumstance, which he told me ere I took my leave of him, will probably enable the reader to discover.

In the year 1826, his stock of sheep and cattle was very considerable for the colony, and quite sufficient, if he had only been content with it, to have rendered him completely independent; but being seized, like many around him, with the colonial mania, he had purchased a number of heifers at 10*l.* each, on credit for two years, ten per cent. interest being payable on the whole amount of his purchase till final payment of the principal. At the time he made bargain he was given to understand, that if it were not

venient for him to pay the money on its becoming due, he should be allowed to retain it during his pleasure, at the same rate of interest as before. The creditor, however, being probably tempted by the prospect of obtaining a higher interest for his money, put his bills into the hands of a lawyer, and authorized him to demand payment. It was not convenient for the settler to pay the bills, but, having sheep and cattle in great numbers, he was obliged to sacrifice them to meet the demand of his creditor. In fact, his cattle, to the number of four hundred, were actually collected in his stock-yard at the time I reached his farm, and himself and one of his servants had been making preparations to drive two hundred of them over the mountains to Sydney—a distance of about two hundred miles, by the circuitous route they had to travel—on the following morning. “They are Marsden’s breed,”¹ he observed; “they will at all events fetch two pounds a head, and that will set me up again.”

I left Hunter’s River next morning also, to return to Sydney by a shorter route; and on my solitary journey of three days across the mountains I met with another incident, which the reader will doubtless excuse me for relating, as it illustrates the scenes and circumstances of travelling in Australia. I was trotting along the side of a hill, when a black snake, of upwards of four feet in length, which had been basking in the sun on the bare foot-path—for such was the only road at the time for a considerable distance among the mountains—sprang out from among my horse’s feet, and tried to escape. As it is considered a matter of duty in the colony to kill an animal of this kind, when it can be

¹ The late Rev. Samuel Marsden, for many years principal Colonial Chaplain of New South Wales, was an extensive proprietor of sheep and cattle; and his breed, at the period referred to, was in high estimation in the colony. His general and somewhat characteristic advice to new-comers was to put all they had “in four feet,” that is in sheep and cattle.

done without danger or inconvenience, I immediately dismounted, and, breaking off a twig from a bush, pursued and wounded the venomous reptile. I had struck it across the back, a few inches from the head; it immediately turned itself round, and glared fiercely with its little dark eyes, while the portion of its body between the wound and the head instantly swelled to thrice its usual thickness. Finding itself, however, unable to spring at me, it tried again to escape, when I easily despatched it with a few additional strokes. It is usual in such cases to leave the animal extended, as a sort of trophy, across the footpath, to inform the next traveller that the country has been cleared of another nuisance, and to remind him, perhaps, of his own duty to do all that in him lies to clear it of every remaining nuisance; that it may become a goodly and a pleasant land, in which there shall be nothing left to hurt or to destroy.²

It was many weeks after my return to Sydney ere I heard anything more of the Hunter's River settler. There had been a flood on the Hawkesbury during his journey, which had greatly retarded his arrival in Sydney. Cattle had been falling in price in the meantime every day; and I was truly sorry to learn, that when his large herd was ultimately brought to the hammer, and all the expenses of the sale discharged, they had realized only *twelve shillings*

² I was so much gratified, a few days after the occurrence of the incident I have related, at accidentally observing the following beautiful and most accurate description of the appearances the snake exhibited when half-dead, that I shall take the liberty to subjoin it:—

Qualis sæpe viâ deprensus in aggere serpens,
 Ærea quem obliquum rota transiit; aut gravis ictu
 Seminecem liquit saxo lacerumque viator;
 Nequicquam longos fugiens dat corpore tortus,
 Parte feror, ardensque oculis, et sibila colla
 Arduus attollens; pars vulnere clauda retentat
 Nexantem nodos, sequæ in sua membra plicantem.

VIRG. *Æneid*, v. 273.

and sixpence each. The settler's farm was afterwards sold by the sheriff.

III. The third remarkable era in the government of General Darling was the era of drought. For three successive years during the government of Sir Ralph Darling the usual supply of rain was in great measure withheld from the colony, insomuch that, in the emphatic language of Scripture, *the heavens became as brass, and the earth as iron*. An entire failure of the crop in some districts, and a partial failure in others, were the necessary consequences of so direful a calamity, while the pasture-grounds presented in general the aspect of a beaten highway, and the cattle were reduced to extremities from the scarcity of water. So remarkable a feature in the meteorology of a country, of the physical constitution of which so little is accurately known, might well induce suspicion in regard to the eligibility of that country as a place for the residence of intending emigrants if left wholly unexplained. I deem it expedient, therefore, to make a few remarks on the subject, chiefly to satisfy the reader that the calamity with which the colony was thus so extensively afflicted during the government of General Darling, may reasonably be supposed of very unfrequent occurrence; and that, although it doubtless arose from the visitation of God, it was greatly aggravated by the folly and infatuation of man.

My late brother, Mr. Andrew Lang, J.P. (afterwards M.L.C., till he left the colony for England), had an estate of two thousand five hundred acres on the Yimmang or Patterson's River, a few miles from its junction with the Hunter, in one of the principal agricultural districts of the colony. It was partly intersected by a picturesque lagoon of a mile and a quarter in length, which, on the district being first settled, was eighteen feet deep at the one end of it, though considerably shallower at the other. The first time I visited Hunter's River, in the year 1827, the bed of this

lagoon was full of water, and I had one day the curiosity to borrow the little bark-canoe of a black native whom I found fishing in *puris naturalibus* on its bank, to ascertain the comparative conveniences of aboriginal navigation.³ For nearly two years, however, during the prevalence of the drought, it was completely dry, and part of its rich alluvial bed was planted with tobacco, which grew luxuriantly, and with maize or Indian corn, the produce of which was at the rate of eighty bushels an acre. It occurred to me at the time, that this circumstance might afford a cue to ascertain the period at which the last drought of equal severity had occurred in the country, and I therefore suggested to my brother to make inquiries on the subject of the older and more intelligent aborigines of the district. He did so accordingly; and they uniformly stated in reply, that they had never seen the lagoon dry before, but that their fathers had told them they had seen it dry once. A drought, therefore, of equal severity with the one experienced in the colony during the government of General Darling, does not occur, we may reasonably suppose, oftener than once in fifty years.

The afflictive character of the drought, however, was greatly increased by the imprudence of the settlers themselves; many of whom, conceiving that agriculture was beneath the notice of those who were so speedily to make their fortunes by the rearing of sheep and cattle, chose rather to run the risk of buying wheat for their families and convict servants, than incur the trouble and expense of growing it. The result was, that there were far more buyers of wheat in the country than there ought to have been; and that many had to purchase grain imported from Tasmania who might have grown it, partially at least, themselves.

³ The first orrudest ship does not appear to be hollowed out, agreeably to the ancient Roman adage *fruit cavata arbor*: in all probability it was a bark-can

Calamitous though it was, however, the drought was only partial, whole districts having either entirely or in great measure escaped its influence. It was much less felt, for instance, in the county of Argyle, to the southward and westward, than in the lowlands or earlier settled districts of the colony. In the lower parts of the settlement of Hunter's River, or on what the Americans would call the sea-board, it was by no means so severe as at a greater distance from the coast: and in Illawarra, an extensive and highly fertile district about fifty miles to the southward of Port Jackson, the few settlers who had cultivated grain in any quantity never lost a crop. Such also was the case at the settlements of Port Macquarie and Moreton Bay, to the northward; and at Patrick's Plains, a tract of fertile land on Hunter's River, naturally destitute of timber, where the crop was nearly all destroyed in the year 1828, a good crop was reaped in the first year of the drought. In short, common industry and common precaution will always secure the colony, even in a series of seasons as unfavourable as those of the long drought during the administration of General Darling, from the calamities arising from a scarcity of grain; for, although the crop should entirely fail in one district, it is likely to prove abundant in others.

In the year 1828, the second year of the drought, the failure of the crop in the upper parts of Hunter's River, and in certain other districts of the territory, was not attributable to the drought at all, but to blighting north-westerly winds. In the course of that season, when the settlers had a second time begun to despair of their crops, there was a copious and seasonable fall of rain, the almost instantaneous effect of which on the vegetation of the country was truly astonishing. The wheat crop immediately revived, and hopes were entertained of an abundant harvest. Just, however, as the wheat had got into the ear, a north-westerly wind, blowing as if from the mouth of a furnace, swept

across the country, and in one hour destroyed many hundred acres of highly promising wheat.

IV. The fourth remarkable era in the government of General Darling was the era of libels.

Nearly a year after Sir Ralph Darling arrived in the colony, a soldier of the 57th Regiment, of the name of Thompson, wishing to get quit of the service, and conceiving that the situation of a convict in New South Wales was superior to his own, persuaded another soldier of the same regiment, of the name of Sudds—a peaceable, well-behaved man, but unfortunately not of sufficient firmness to resist the influence of his comrade's bad advice—to join with him in the commission of a felony, for the express purpose of being dismissed the service. They accordingly went in company to the shop of a dealer in Sydney, on pretence of intending to purchase some article, and contrived to steal a piece of cloth, which they immediately cut in two, each secreting a part of it about his person: but the theft was designedly so awkwardly managed, that its perpetrators were instantly detected, and delivered over to the civil power. They were accordingly tried, convicted, and sentenced to transportation to a penal settlement—Moreton Bay or Norfolk Island—for seven years.

In the course of the trial the object and design of the theft were ascertained beyond the possibility of doubt, and the case accordingly assumed in the eye of the Governor a very different character from that of a common case of theft. The thieves were soldiers in His Majesty's service, and they had taken up the intolerable and highly dangerous idea, that the situation of a soldier was worse than that of a convict or transported felon: nay, acting on this idea, they had not only deserted His Majesty's service, which they were paid, and maintained, and sworn to uphold; but had actually made common cause and identified themselves with those very disturbers of the public peace, from whose vicious pi

penalties or actual violence they were bound to protect His Majesty's subjects. In short, their example, in so far as it was likely to be contagious, was evidently dangerous to the peace and good government of the colony; and the Governor therefore, who, in common with all other governors of British colonies, was authorized to provide for all such extreme cases as involve the very existence of the Government to the best of his own judgment, conceived this was just such a case. Whether he may not have attached too much importance to the case, or whether he may not have magnified the danger that was likely to accrue from it, if treated in the ordinary way, it is unnecessary to inquire.

With a view, therefore, to obviate the evils apprehended, the Governor, in his capacity of Lieutenant-General and Commander of the Forces, issued a General Order, in virtue of which the two soldiers were taken out of the hands of the civil power, and brought on a day appointed to the barrack-square in Sydney, where their crime was publicly announced to all the other soldiers in garrison; their sentence of transportation to a penal settlement for seven years was declared to be commuted into that of hard labour in irons on the roads of the colony for the same period,—doubtless that they might be occasionally seen by other soldiers in going to and from their places of detachment to the interior; and it was formally announced to them that at the expiration of their period of sentence they were to return to the regiment and serve in the ranks as before. Immediately after they were publicly stripped of their uniform, and arrayed in the dress of convicts, which was prepared expressly for the purpose, with their hands in stocks and their feet in the spikes and chains of the same.

Such, it seems, is the

at Indies, prev

ishment or

negroes,⁴—were affixed to their necks; and they were drummed out of the regiment with the Rogue's March to the common jail.

All this procedure, in so far as it was evidently an interference with the due course of law, was, according to all the approved maxims of British jurisprudence, illegal and indefensible. Whether there was a case of urgent necessity to justify it on any ground,—whether the peace and good government of the colony would have been endangered by

⁴ The device of the iron-collars has hitherto been uniformly represented as a thing previously unheard of in New South Wales, and as evincing the peculiarly inhuman disposition of General Darling. What will be thought of the following brutal sentence of a bench of magistrates in the town of Sydney, in the year 1807, from which it appears that *iron collars* had been in use in the colony, as an aggravation of punishment, not less than twenty years previous to the case of Sudds and Thompson?

"Thomas Prosser, Robert Matthews, Patrick Mitchell, Tristram Moore, Patrick Galvin, Wm. Saunders, Francis Allen, convicts, are charged with absconding from the settlement; and Wm. Blake, a freeman, charged with aiding and assisting the above-named prisoners at absconding as above stated.

"The charges above stated being read to the several prisoners, and to William Blake the freeman, they acknowledge themselves guilty of the respective crimes they are charged with.

"The bench of magistrates finding them guilty of a breach of the colonial regulations of the 18th of November, 1800, do sentence Matthews, as a principal, to receive *one thousand lashes*; Moore, Galvin, and Saunders, *five hundred lashes*; Francis Allen to hard labour, *with an iron collar*, at Newcastle; Wm. Blake, free from servitude, two hundred lashes, and three years' hard labour; Thomas Prosser emancipated, two hundred lashes, and three years' hard labour; and Patrick Mitchell, two hundred lashes and three years' hard labour, and to work in the jail gang until further orders.

(Signed)

Proceedings of a Bench of Magistrates in Syd Johnston's Trial," p. 333.

adopting the ordinary course of procedure—that is the question; and it is one on which there was room for a difference of opinion. For my own part, even although there had actually been such a case as I have shown the Governor supposed there was, I should have been disposed to say, “Let the law have its due course.” At the same time, as punishment is intended not merely for the correction of the offender, but as a means of deterring others from imitating his pernicious example, it was the part of a good Governor to consider how he could render the punishment of the two culprits in the case in question effectual, in the most extensive manner, in preventing the recurrence of their crime: and if in doing so he made the punishment extremely degrading on the one hand, and unfeelingly severe on the other, such a result could only have arisen from an error of judgment; for it was absolutely incredible that in such a case personal feeling could exist, or that the Governor could have had any other object in view than the public good. This was indeed so generally acknowledged at the time when the circumstance occurred, that if no extraordinary and unexpected result had ensued, the anomalous character of the punishment would neither have been discovered nor complained of; for even the able Opposition paper of the day admitted that the offence of the soldiers was a serious and dangerous offence, and one that required extraordinary treatment.

The man Sudds, however, was of a temperament which could not sustain this accumulation of sorrows. The public disgrace to which he had been subjected in the presence of all his former comrades, and his exposure in this condition to the heat of a burning sun, the utter disappointment of the hopes which his associate had led him to entertain, and the miserable prospect that lay before him—all these circumstances combined, and doubtless greatly aggravated by the action of his iron collar,—immediately plunged the wretched

man into a state of hopeless despondency, in which he was at length removed from the jail to the General Hospital, where he died on the following day.

The following extract of the examination of the surviving soldier, Patrick Thompson, then a convict on board the "Phoenix" hulk, taken before the Colonial Secretary and other competent persons, on the 23rd April, 1827, throws considerable light on this affair. The concluding part of it is very affecting.

Extract of the Examination of Patrick Thompson, a Convict on board the "Phoenix" hulk, taken 23rd April, 1827.

"We were taken to the parade ground, and the regimentals taken off us, and a suit of yellow cloth put on each of us, and a General Order read to us by Brigade-Major Gillman, by the order of his Excellency General Darling. After the Order was read to us, a set of irons was put on each of us. The irons consisted of a collar which went round each of our necks, and chains were fastened to the collar on each side of the shoulder, and reached from thence to the basil, which was placed about three inches from each angle. There was a piece of iron which projected from the collar before and behind, about eight inches at each place. The projecting irons would not allow me to stretch myself at full length on my back. I could sleep on my back by contracting my legs. I could not lie at full length on either side without contracting my legs. I could not stand upright with the irons on. The basil of the irons would not slip up my legs, and the chains were too short to allow me to stand upright. I was never measured for the irons; and Sudds' collar was too small for his neck, and the basils for his legs, which were swollen. I never heard him say he had the dropsy in the West Indies. Sudds was turned out of the hospital the morning of the punishment, and taken to the barracks about an hour afterwards. Sudds was taken from the hospital to the Sessions on the 6th November; he appeared to be very ill, insomuch that the man who was handcuffed with him was obliged to sit down on the grass in the court-yard in order to enable him to lie down." He continued in that way till after

"After the yellow cloth and the irons were put on before mentioned, we were drummed out of the regimental March being played after us by two or three drums."

We were not drummed out in the usual way, which is, to put a rope about the neck, cut off the facings, and place a piece of paper on the back, with the description of the offence which the party may have committed. Instead of this, we had the chains on and the yellow clothing. On our return to the same ward in the jail, Sudds sat down with his back to the wall, saying, that he was very ill, and wished to go to the hospital again, but he did not go to the hospital till next morning. The basils of his irons cut his legs during the time we were coming from the barracks to the jail; it was owing to the sharpness of the basil and the weight of it that we were cut. The night of the day of punishment, Sudds was so ill that we were obliged to get a candle about eight o'clock from Wilson the under-jailer, in order to keep up a light during the night. I gave him some tea which I had purchased. About ten o'clock he was very ill; I requested a fellow-prisoner to get up and look at him, thinking he was dying. The fellow-prisoner, whose name I do not know, did look at him, and said he was not dying, but he did not think he would live long. I then asked Sudds if he had any friends to whom he would wish to write. He said he had a wife and a child in Gloucestershire, and begged that, if he did not get better by the next night, I would read some pious book to him, adding, "that they had put him in them irons until they had killed him."

No person can read this plain, unvarnished, but very affecting tale without being forced to conclude that the soldier Sudds died of a broken heart. *The iron had entered into his soul*—and he died! The following is an extract of the Report of the medical officer of the Jail Hospital on the case :—

Extract from Report on the case of Joseph Sudds.

"On the 24th November, was admitted into the Jail Hospital; on admission, the irons in which he was confined were removed (immediately), and medicines administered. He refused sustenance of every kind, except a little tea; and in talking to him of his disgrace, he declared he never would work in irons, and wished himself out of the world. Finding him in a state of delirium on the 26th instant, he was removed to the General Hospital, where he gradually became worse, and expired the following morning.

"After a minute dissection of the body, no apparent disease was found to exist to account for his immediate death.

"JAMES M'INTYRE."

The Executive Council, of which the Governor was President, endeavoured unsuccessfully to make out a case of neglect against the medical officer, and to establish the allegation of Sudds' having been previously labouring under a dropsical affection, of which due notice ought to have been given, but had not been given, to the Governor by that functionary. But there was no evidence of anything of the kind. There had been no previous bodily disease to cause death.

The following is an extract of the Governor's despatch on the subject, to Earl Bathurst, of date 4th December, 1826:—

*Extract from General Darling's Letter to Earl Bathurst,
4th Dec. 1826.*

"Several men of the 57th Regiment (seven in number), having committed robberies and maimed themselves, with the avowed intention of obtaining their discharge from the service, I judged it necessary to take such steps as might have the effect of deterring others from any similar attempt. Accordingly, on the conviction of *Sudds* and *Thompson*, the last of these men who were tried, I was induced, as a means of producing the greater effect on the soldiers in general, to direct, that instead of being transported to a penal settlement for seven years, according to their sentence, they should be worked on the roads in chains, and I prepared an Order to be issued on the occasion, with a view of rendering their removal from their corps as impressive as possible.

"The prisoner '*Sudds*' was sent to the hospital on the following day, Thursday the 23rd, and died on Monday the 27th ultimo. However much the event is to be regretted, it cannot be imputed to severity; none was practised or intended. The only deviation from the usual course of proceeding in the case of *Sudds* and *Thompson*, was, that instead of the chains being put on in the jail, the act was performed in a more ceremonious manner, in presence of the garrison, as a necessary example to the troops. With respect to the chains, which are designated *instruments of torture*, it will be sufficient to state, that they weigh only 13 lbs. 12 oz.; and in view of producing an effect on those whomony, the extreme lightness of their construction, being injurious in any respect to the indiv

There is something exceedingly heartless in the manner in which the Governor speaks in this letter of the "ceremony," as he calls it, and of the "extreme lightness" of the irons, which, he says, "weighed only 13 lbs. 12 oz." It was ascertained, however, that although Thompson's irons were of this weight, those made for Sudds weighed 14 lbs. 6 oz. But the irons that were usually made for the road gangs in the colony at the time did not weigh more than from 6 to 9 lbs., while those brought out for convicts on board prison-ships from England, weighed only from 3½ lbs. to 4 lbs. The physical torture which the unfortunate man must have experienced from such a load of iron on his limbs and neck, under a burning sun, must unquestionably have greatly aggravated the mental anguish he was suffering under. His own account of the matter is plain enough, and can never be explained away: "They have put me in them irons until they have killed me!"

The death of Sudds was a most unfortunate and unlooked-for termination of the case of the two soldiers, as far as the Governor was concerned: still, however, as it was evident that there was no ground for the imputation of improper motives, if a fair statement of the case had been indirectly given on the part of the Government—admitting the error of judgment which evil-disposed persons were now beginning to discover, and lamenting the unfortunate and unforeseen issue of the affair—the matter would very soon have been forgotten, and disaffection itself would have been entirely disarmed.

General Darling, however, was peculiarly unfortunate at the time in question in having a supporter, forsooth, in the person of the late Mr. Robert Howe, editor of the "Sydney Gazette." This redoubtable champion of the Colonial Government, in a spirit of absolute infatuation, which the local Government appear to have encouraged, listened with the utmost eagerness to the first murmurs of

disapprobation, and not only commenced a regular defence of the measures adopted by the Colonial Government in the case of the two soldiers, and held them forth to the colony as highly proper and praiseworthy, but ever and anon launched forth whole paragraphs of the most provoking and unprovoked personal vituperation at the heads of all and sundry who presumed to think, or speak, or write otherwise.

This was more than human nature unaided by Divine grace could be expected to endure; and accordingly Dr. Wardell, a colonial barrister of eminent talent, who was then the editor of the "Australian" newspaper, and whose frail nature had evidently no such supernatural assistance, gradually discovered more and more illegality and more and more enormity in the Governor's procedure, till he came at length to write of it in a style and manner to the last degree unjustifiable and unbecoming. The "Australian" newspaper subsequently passed into other hands of far inferior ability, in which, however, its lack of talent was abundantly compensated by the plenitude and the depth of its vituperation. The "Sydney Gazette" happened also to fall into the hands of other editors, who in this particular inherited the principles and followed the steps of their predecessor; and the "Monitor," a third colonial newspaper, conducted on the principles, and as much as possible in the style of the late Mr. Cobbett, appeared in the meantime on the colonial carpet, and, summoning the whole prison population to contemplate the contest, fiercely threw down the gauntlet of opposition. On this high and dignified arena, where "Greek met Greek," forsooth, the case of Sudds and Thompson continued, during the last five years of General Darling's administration, to afford an inexhaustible subject for the display of everything but the common proprieties of literary warfare: it constituted the dead weight of every paragraph,

and the burden of every song. The Governor was defended, forsooth, and bepraised on the one hand with all the nauseating fulsomeness of literary prostitution;⁶ he was attacked on the other with absolute and incessant scurrility. If he had been an angel of light, and if his government had transformed the colony from a frightful solitude to a blooming Eden, stronger language of commendation relative to his person and government could not have been used than that which one department of the colonial press absurdly and perseveringly employed in his praise: if he had been a murderer and a parricide—if his government had reduced the colony from a paradise to a pandemonium, he could not have been spoken of in more opprobrious language than other departments of that press used respecting him; nor could more strenuous and unremitting efforts have been made to bring his person and administration into utter contempt.

From the preceding statement it will doubtless appear sufficiently obvious, that General Darling was himself greatly to blame in reference to this undignified contest. It was the "Sydney Gazette" that originated and provoked the discussion; and as that paper was virtually paid by the Government during General Darling's administration, being supported in great measure by Government patronage, it was fully in the Governor's power to have commanded silence in that quarter, on a subject on which silence alone could have been expressive of his praise. But as General Darling lacked magnanimity in the first instance to disclaim the attribute of infallibility, by not allowing it to be even hinted that he could possibly err, so he afterwards lacked discernment to perceive that unmerited commendation was only censure of the worst species in disguise: and in re-

⁶ He that has flattery ready for all whom the vicissitudes of the world happen to exalt, ~~must~~ be scorned as a prostituted mind."—*Johnson's Life of V*

ference to the scenes of crimination and recrimination that ensued in the public press of the colony, it cannot be denied that, if the Governor had good reason to complain, as he did so loudly in the sequel, that the Opposition papers had given him many ungentlemanly knocks, their editors could retort that he had himself dealt the first vulgar blow.

One of the first acts of the succeeding Governor, Major-General Sir Richard Bourke, was to disclaim every sort of connexion with the colonial press, by causing a Government Gazette, for Government advertisements exclusively, to be published weekly, and by offering the whole of the Government printing to the lowest bidder. It was an act of the wisest policy, and one in which Sir Richard Bourke doubtless consulted his own peace of mind, as well as the general welfare of the colony; for nothing could be more thoroughly subversive both of public tranquillity and of domestic enjoyment than the system pursued in reference to the colonial newspaper during the government of his predecessor.

The impolicy of General Darling's procedure, in regard to the newspapers of the colony, amounted even to a want of common sense. Mr. Edward Smith Hall, the editor of the "Monitor," had arrived in New South Wales as a free emigrant during the government of Major-General Macquarie; and, besides having uniformly borne an unblemished private character, he had deserved well of the colony in having reared a numerous and virtuous family: his property was by no means extensive, and, like that of most proprietors in the colony, it consisted chiefly of land and cattle. In the genial climate of New South Wales, the latter increase at a rate quite unparalleled in Europe; and the proprietor of a moderate extent of land is therefore obliged, in the course of a few years, to look to his settlement in the forest, to look of his own property for fresh past

creasing herds. To meet cases of this description, General Darling had very properly allowed proprietors to rent extensive tracts of unlocated crown land, for periods of six or twelve months, at the rate of two shillings and sixpence per annum for every hundred acres; but on Mr. Hall's applying for a lease of this kind, it was peremptorily refused; and, on asking the reason why, he was told that the circumstance of his being the editor of the "Monitor" was a sufficient reason to disentitle him to any indulgence from the Government. Mr. Hall had been rather moderate in his opposition up to this period; but whether he had been so or not, it was just the time for the Governor to have disarmed that opposition of its virulence for the future, by doing him an act of common justice, if not of generosity.

This act of egregious impolicy was followed up by another, which had much the appearance of vindictiveness. Mr. Hall had a convict compositor in his employment, who had been assigned to him agreeably to the Government regulations; but, in contrariety to the uniform practice in such cases, the man was *resumed* by the Government; for this was the word made use of on the occasion, to designate an act which up to that period had no distinctive name in the colony, from its having been previously unpractised and unknown.

When a Government condescends in this manner to enter the lists with a private individual, that individual immediately acquires a notoriety, and assumes an importance in the estimation of the public, which his own native energies could never have procured him. I question whether Mr. Hall's paper had sufficient buoyancy to have kept it above water till the close of General Darling's administration, had he not been enabled to do so by the Governor: for when a General in the army stoops to place himself in the attitude of a common boxer, who is there so devoid of curiosity as not to be desirous of witnessing the fight?

It was unfortunate, however, for the colonial public, that the Opposition papers of the colony, during the government of General Darling, were by no means distinguished for that scrupulous regard to truth, without which no person can merit the confidence of the public. There was a rapid desire to publish whatever had a tendency to bring either the Governor, or persons in any way connected with the Government, into general disfavour; and information of this kind was accordingly received with the utmost eagerness, and often without the least regard to the character of the quarter from which it came. It fared, therefore, with the Opposition editors as it did with the shepherd-boy in the fable, who was perpetually bawling out "*a wolf! a wolf!*"—they lost the confidence of persons of moderate principles, and were consequently left with but slight sympathy to the difficulties of their situation: in short, the wolf came, but nobody turned out.

At the same time, it must be confessed, that the feverish condition of the body politic of the colony induced, during the latter part of General Darling's administration, through His Excellency's perpetual and unmanly squabbles with the colonial press, necessarily produced a state of general suspicion and distrust in the community at large; insomuch that a man could neither converse openly nor dine with persons on the list of the proscribed, without indulging the fear of its being reported to his disadvantage at Government House. Nay, a remarkably good-natured old gentleman, whose political opinion, on any subject at all interesting to the fate of nations, no person of the least discernment would have thought it of the slightest importance to ascertain, actually shot himself, because he had incurred the Governor's displeasure through his acceptance, on some occasion or other, of Radical hospitality. In short, to compare small things with great, the administration of General Darling was the *Reign of Terror* in New South Wales.

The alleged licentiousness of the colonial press during the government of General Darling, or rather the state of feverish annoyance in which the Governor was perpetually kept by its personal attacks on himself, induced him to pass certain Acts affecting the press of the colony, which were designated by the Opposition editors *The Gagging Acts*, and which only tended to render their personalities more provokingly offensive.⁶ In the meantime, W. C. Wentworth, Esq.,⁷ a native of the colony, and at that time the favourite barrister of all the newspaper patriots of New South Wales, prepared and forwarded to England certain charges against General Darling, in the Sudds and Thompson case, which were known and described in the colony as an impeachment of the Governor; and it was even given out that Mr. Wentworth intended to *dog* His Excellency to England, on his retirement from the government of the colony, to prosecute him on these charges before the High Court of Parliament. This prodigious display of *intended* patriotism naturally afforded an excellent handle to the colonial press; and the mention of the impeachment in a variety of ways in the colonial newspapers led to a series of prosecutions for libel in the Supreme Court of the colony; the result of which was, that all the three editors were

⁶ The late John Macarthur, Esq., who was a member of the Legislative Council during the government of General Darling, proposed, as a regular *quietus* for the colonial press, that a Stamp Act should be passed, subjecting every newspaper to a duty of ONE SHILLING only! He told me the circumstance himself: but this was too much even for General Darling. Mr. Macarthur had at one time been sufficiently *liberal* in his sentiments, as I have shown above, to take a prominent part in overturning the alleged tyrannical government of Admiral Bligh; but he was of that class of liberals, who—

“Turk-like, can bear no brother near the throne.”

⁷ Afterwards one of the Members of Council and of Assembly for the City of Sydney, and still later President of the Legislative Council of New South Wales.

repeatedly cast and fined, while those of the Opposition newspapers were besides subjected to a long imprisonment in the common jail. Mr. Wentworth, however, was one of those equivocal patriots whose zeal for the interests of his country always evaporated in declamatory speeches and empty professions, and was never embodied in vigorous and manly action. If he really believed General Darling to have been the murderer of Sudds, as he openly accused him of being for years in succession—taking amazing credit all the while for the self-denial and patriotism of the thing—it was his bounden duty, after all he had said and done on the subject, to have followed the grand criminal to England to substantiate his charge. To prefer such a charge against any man—and especially a man occupying the high position of the Representative of the Sovereign—and to allow it to come to nothing, from not following it up by any definite course of action, is a crime against society. Mr. Wentworth did indeed exhibit his patriotism on the occasion of General Darling's departure from the colony, in a way that doubtless occasioned him less personal hardship than a voyage to England; for, like a true patriot who did not disdain the meanness of a vulgar triumph, he entertained a party of friends on the day of the Governor's embarkation, to celebrate the auspicious event, while all and sundry the *canaille* of Sydney were permitted to partake of his indiscriminate hospitality in front of his residence. The guests on that occasion, doubtless those of the latter description, evinced their extreme delicacy and propriety of feeling by grossly insulting General Darling's family, as they passed, on their return to Sydney, alongside the vessel in which they were then lying in the harbour ready for sea. These particulars may perhaps appear uninteresting to the general reader; but they will at least show him of what materials the *richest and rarest gems* of Australian patriotism of the olden times were composed.

General Darling embarked for England on the 22nd of October, 1831, having administered the affairs of the colony for nearly six years.

After his return to England, and in consequence of reiterated representations from individuals who had either been opposed to his government, or had fancied themselves deeply injured through his measures, various attempts were made in the House of Commons to procure the appointment of a Parliamentary Committee to investigate the charges laid against him. Mr. Maurice O'Connell succeeded at length in this object, and procured the appointment of a Parliamentary Committee in the year 1835: but as that Committee were particularly instructed, on the motion of Lord John Russell, not to interfere with the case of Captain Robison, an officer who had undoubtedly been harshly used, if not absolutely ruined, by General Darling (although it must be acknowledged that he had himself acted with extreme imprudence,) and as there was no evidence adduced to substantiate the other charges, he was honourably acquitted, and received from his late Majesty King William IV., as a token of his royal favour on the occasion, the honour of knighthood.

It would be preposterous to attach the slightest degree of importance to the result of this ill-advised and uncalled-for proceeding, on the part of Mr. Maurice O'Connell and his colonial prompters, in endeavouring to ascertain the exact merits or demerits of Sir Ralph Darling as Governor of New South Wales. The conduct of a British Governor at the extremity of the globe must be peculiarly flagrant, if it cannot be sheltered from the censure of a Parliamentary Committee assembled in London; and there were no grounds sufficient to authorize the appointment of such a Committee, in the case of Sir Ralph Darling, I willingly admit; but that the verdict of acquittal, pronounced by that Committee

and interpreted by the public as an authoritative declaration that Sir Ralph Darling was a good Governor, or that he did what he ought to have done, and what it was fully in his power to do, for the general advancement of the people of his government,—I deny. It is at the bar of public opinion, and not by Parliamentary Committees in London, which in such cases are a mere *sham*, that Governors are to be tried, and their merits or demerits estimated and determined.

Towards the close of the administration of General Darling, there occurred a somewhat remarkable event, with which I had the honour to be personally identified, and which unquestionably proved the commencement of the rapid transition which the Colony thenceforth underwent, from the abject condition of a mere penal settlement, to the state and character of a community of intelligent, progressive and virtuous freemen, destined at no distant period to assume an influential and commanding position among the nations of the earth. The event I allude to, consisted in the introduction into the colony of a pretty numerous body of free emigrant mechanics, from Scotland, which took place in the following manner.

Disappointed in certain efforts I had been making in the colony in the cause of education, through the narrow-minded exclusiveness of General Darling, I had undertaken a voyage to England in the year 1830, to obtain the requisite facilities for the establishment of an Academical Institution or College in the town of Sydney, partly for the general education of youth, but partly also to enable candidates for the ministry to obtain the requisite preliminary education in the classics and liberal arts. That eminent statesman and patriot, the late Joseph Hume, Esq., M.P., with whose friendship I was then honoured, advised me, when consulting him on the subject, and somewhat uncertain how to proceed, to apply at once and in person for the requisite pecuniary assistance to the Right Honourable Lord Goderich, who was then at the

head of the Colonial office. I did so accordingly and successfully, the Colonial Government being directed by his Lordship to advance for the purpose, on condition of a similar amount being previously expended by the promoters of the undertaking, the sum of 3500*l.*, from the Colonial Treasury.

Rick-burning and machine-breaking happened to be unusually prevalent in England at the time I refer to ; and there was much suffering also among the working classes, from the want of remunerating employment. Contrasting this state of things with the state of general prosperity which I had myself so recently observed in New South Wales, where there was at the same time a great want of mechanical labour, and where the actual mechanics, being almost exclusively emancipated convicts, were generally dissipated in their habits, and unskilful as well as untrustworthy and dishonest in their respective crafts, I proposed to Lord Goderich that, if he would authorize 1500*l.* of the proposed grant to be paid on my arrival in New South Wales, on condition that no further portion of it should be advanced till the expenditure of an equal amount by the promoters of the undertaking, I would select and carry out with me a number of Scotch mechanics of superior character and ability, whose passage out was to be paid from this advance, to erect the necessary buildings. Lord Goderich acceded to this proposal, and I accordingly selected and carried out from fifty to sixty families of Scotch mechanics,—stonemasons, carpenters, blacksmiths, plaisterers, &c,—who arrived in the colony per the ship “*Stirling Castle*,” in the month of October, 1831.

These mechanics were under engagement to be employed for twelve months certain from the period of their arrival, *at the regular wages of the colony*, on condition of their paying back from their weekly earnings such an amount as

it should be found they could easily spare towards the repayment of their passage out, which was fixed at 25*l.* each,—a low rate at that period, the previous cost of a steerage passage having been from 35*l.* to 40*l.* They were set to work immediately on their arrival; the wages of mechanics being then 2*l.* per week, and butcher meat being a penny a pound, and other articles of subsistence—flour, tea and sugar—equally reasonable. The married men rented suitable cottages for their families wherever they could in the town and neighbourhood of Sydney, and the unmarried either boarded with them or with such other families of their own class as they could find. One of the latter, a Scotch carpenter from Fifeshire, who had been allowed to go upon his own hands, almost from the first, regularly paid a pound a week from his wages till his whole debt was paid; and one Saturday evening, when he had called on me with his weekly pound, and I had asked him how he found he could get on in the colony, he told me, in reply, that he could afford to pay a pound a week from his wages, and be much better off with the remainder, than he could have been in Scotland altogether; for, as his board and lodging cost him only ten shillings a week, while the “leevin” (living) was much better than at home, he had the other ten shillings for other purposes. A few years thereafter this honest man, who had remained unmarried during his residence in the colony, had accumulated what he considered *a competent portion of the good things of this life*,⁸ to enable him to spend the remainder of his days in comfort in his native land; and he accordingly left the colony and returned to Scotland. Being much respected among his own class in Sydney, the other Scotch mechanics gave him a supper on his departure, with some other substantial token of their esteem.

⁸ The Westminster Assembly's *Shorter Catechism*.

As a specimen, however, of the bitter feeling that had grown up in the colony at this period among the emancipists generally, under the fostering care of Governor Macquarie, towards the whole class of free emigrants, as well as of the exorbitant views and pretensions of these people, the Scotch mechanics per the "Stirling Castle" were for months after their arrival regularly assailed, from the houses of the lower class of the emancipists, as they passed to and from their work at the breakfast and dinner hours, with such observations as these,—“There go those — emigrants who have come out to take the country from us.” But as the mechanics took all this very patiently, their inoffensive demeanour gradually disarmed hostility and conciliated general respect. Being fully alive, moreover, to the advantages of their position, instead of spending their weekly earnings, like the emancipist mechanics, in riotous dissipation, they clubbed together, as soon as they had anything to spare for the future, and bought eligible allotments of ground, and built substantial houses in the town of Sydney, in which they lived thenceforward “rent-free;” and as first one and then another sold out from these associations, to invest their savings in some other more advantageous speculation elsewhere, a valuable property was created for those who remained. In short, the Scotch mechanics per the “Stirling Castle” were universally respected in the colony, and not a few of them were eventually numbered among the most substantial of its middle-class proprietors. Besides, whereas they found the town of Sydney a paltry collection of shabby brick houses and wooden sheds, they not only created a taste for architecture of a superior description, but afforded the means of indulging it; insomuch that there is now in that city and its vicinity a larger number of public and private buildings of polished stone than perhaps in any city of the same population in England.

I foresaw from the first that the tidings of the great success which, I felt confident, would attend the efforts and industry of men like the emigrants per the "Stirling Castle," would in due time work wonders for the moral reformation as well as for the social advancement of the colony. Accordingly, as soon as the tidings of the state of things which they had found in New South Wales reached Scotland, numerous friends and acquaintances of the original body of emigrants followed them in private ships at their own expense; and when the Local Government was enabled, some time thereafter, to offer free passages to the colony to reputable mechanics in the mother country, from the Colonial Land Revenue, the emigrant vessels were filled with the greatest facility. One of these vessels, having on board a full cargo of stonemasons, carpenters, &c., with their wives and families from Dundee, in Scotland, happened to arrive with some cases of typhus fever on board, and was placed in quarantine. The quarantine ground is immediately behind the north head of Port Jackson, where a line of lofty precipitous cliffs of sandstone rises perpendicularly from the Pacific. One of the stonemasons, contemplating the scene for the first time on entering the noble harbour, and observing the abundance of first-rate material which it presented for the labours of his craft, observed in ecstasy to a fellow-countryman, "Man, this is a gran' kintra for stane."⁹

Previous to this period there were only two classes in the colony—the free emigrant gentlemen settlers, with their large grants of land of from one to two thousand acres or upwards, their flocks and herds, and their numerous convict servants. These were, in their own estimation, the aristocracy of the colony, although not a few set but an indifferent example to those ben

⁹ This is an excellent country for st

other class consisted exclusively of the emancipated convict labourers and mechanics who were congregated chiefly in the colonial towns ; performing the labour of the community when they chose and at what rates they pleased, and drinking the rum of the community whenever they could procure it. From this period, however, the emancipated convict mechanics gradually disappeared from the face of society in the towns, being replaced by skilled labour of a more reputable character from the mother country ; and being thus, in the natural course of events, pressed down to a lower level in the scale, they were obliged either to reform their habits or to be off to the interior. There are few towns in England in which the great body of the mechanics, of all handicrafts, form a more intelligent or a more reputable class than they have done in Sydney for forty years past.

It will doubtless be supposed by the reader that in working out the transcendantly important experiment that was thus in progress, I would receive all the countenance and assistance that was requisite to enable me to comply with the conditions imposed by Lord Goderich, from the Colonial Government as well as from the colonial public. He would be very ignorant, however, of human nature, and more especially of the nature and character of colonial Government, previous to the advent of free institutions for the colonies, who should seriously think so. The arrangement which I had been enabled to make for the advancement of education with the Colonial Office in England had been looked at in certain influential quarters of the colony with an evil eye ; and every effort was therefore put forth to defeat it, to prejudice the public against it, and thereby to prevent the fulfilment of the Government conditions, or to render them inoperative for the end in view. The emancipist press also, which was then a power in the colony, regarded the introduction of Scotch mechanics with great disfavour, for obvious reasons, and opened out against the

whole scheme with the bitterest malice and the falsest pretences. I was consequently driven to my wit's end to raise the necessary funds for carrying on the undertaking. To supply these funds I was accordingly obliged to sell, at a serious undervalue in most cases, much valuable property of my own within Sydney, and in the interior, and at length to undertake another voyage to England in the year 1833. But it is only in such mortal struggles that one undergoes the discipline and acquires the hardihood that are perhaps indispensably necessary to enable him to strive successfully with the powers of evil in their more malignant developments in the colonial field. Whether such discipline and hardihood were needed in my own case particularly, the reader will find in the sequel.

In regard to the Educational Institution in Sydney, which I had gone home to obtain the means of forming in the year 1830, I may add that it maintained a vigorous existence under three College-bred men from the Scotch Universities, for ten years thereafter, during which it afforded comparatively liberal education to upwards of five hundred of our colonial youth. It then fell into abeyance, from the niggardly Government of Sir George Gipps, refusing it the aid that was needed from the State. It was continued, however, on a limited scale till the year 1854, when in consequence of educational measures of a more extensive character being carried out by the legislature, it became defunct.

The progress of Geographical discovery in the interior of New South Wales during the government of Sir Ralph Darling presents us with several very important results.

The disappearance of the river Macquarie in an extensive marsh in the western interior,—a point which had been ascertained by Mr. Oxley during the government of Major-General Macquarie,—had given rise to many and contradictory conjectures, in regard to the general conformation of the Australian continent, among men of science.

European world. Mr. Oxley's opinion was, that the ocean of reeds in which he had suddenly lost all traces of the river was part of a vast inland sea, which occupied the interior of the continent, and from which there was no outlet to the coast; and as the river Lachlan, which also pursues a westerly course considerably to the southward of the Macquarie, was also ascertained by the same officer to lose itself in a similar way, this opinion was regarded as extremely probable; and the vast *terra incognita* of Australia was of consequence supposed to resemble a Scotch peasant's bonnet turned upside down, or a shallow basin made for *holding water*.

During the long drought that afflicted the colony in the course of Sir Ralph Darling's administration, it occurred to the Governor that a favourable opportunity was at length afforded for examining the interior marshes discovered by Mr. Oxley, and for ascertaining the actual fate of the river which had been so strangely reported by that gentleman to have committed an act of *felo de se* in the wilderness of Australia. An expedition was accordingly fitted out for the express purpose of examining the marshes of the Macquarie, under the command of Captain Sturt, of his Majesty's 38th Regiment, who was accompanied by the enterprising native of the colony I have already mentioned, Mr. Hamilton Hume. In the course of his journey, during which the whole party experienced much suffering and privation from the excessive heat of the weather and the afflictive character of the drought, Captain Sturt ascertained that the marsh in which Mr. Oxley had lost the river was only of moderate extent—fifty miles in length and twenty in breadth—and that there was no such inland sea as that gentleman had supposed. To the northward, however, a chain of ponds was discovered communicating with the dry bed of a torrent, whose channel was evidently intended to carry off the overflowings of the marshes in rainy seasons, and which

Captain Sturt therefore very properly considered as the re-appearance of the Macquarie. This river, or rather torrent, was traced for a considerable distance in a northerly direction, and was found to communicate with a much larger river than the Macquarie, which Captain Sturt named the Darling, but of which the water was as salt as that of the ocean, from numerous brine-springs on its banks. Captain Sturt traced the Darling ninety miles from the point where it received the drainings of the marshes of the Macquarie; its course from that point being first north-westerly, but afterwards south-westerly. In the lower part of its ascertained course it was sixty yards in width in the extremity of the drought, and it was flowing to the southward in majestic loneliness, when Captain Sturt was reluctantly obliged to discontinue its examination, and to return with the expedition to the colony.

In the course of a second journey to the northward, undertaken in the year 1827, and extending as far as the latitude of Moreton Bay, Mr. Alan Cunningham, of whom I have already had occasion to make honourable mention, crossed four considerable streams, two of which he named the Gwydir and the Dumaresq, of which, however, the course and the fate (to use a phrase peculiarly applicable to the western rivers of Australia) remained to be ascertained by subsequent discovery. In this journey, that enterprising and indefatigable traveller traversed the interior for an extent of five degrees of latitude to the westward of the coast range of mountains, and, besides various other tracts of available pastoral country, which are now all occupied by the numerous flocks and herds of the colonists, he discovered an extensive and splendid tract of land of the first quality either for pasture or for agriculture, which he named *The Darling Downs*, in the latitude of Moreton Bay. These Downs, which are nearly two thousand feet above the level of the sea, are now all studded over with the stock

stations of the colonists, and have been since ascertained to extend in length about a hundred and twenty miles, and in breadth from thirty to fifty.

Observing a remarkable gap in the coast range of mountains from his encampment on the Downs, about the 28th parallel of latitude, Mr. Cunningham proceeded to Moreton Bay during the following year, to ascertain whether a passage inland could not be effected from the coast, as well as to explore the intervening country. In this expedition Mr. Cunningham discovered a considerable tract of land of first-rate quality to the eastward of the mountains, and crossed over to the Downs by the gap he had previously discovered, which is now called Cunningham's Gap. It is a remarkable cleft in the mountains, which are there about 4000 feet high, presenting a wall of perpendicular rock on each side, as if it had been cut on purpose to form a road from the coast.

I have already observed, that during the government of Major-General Macquarie, a river of considerable magnitude, called the Murrumbidgee, had been discovered flowing with a rapid westerly course from the elevated table-land to the southward and westward of Port Jackson. Highly favourable accounts reached the colony from time to time of the country on the banks of this river; and the interesting report that was given by two gentlemen of the district of Bathurst, who had traced it for one hundred and fifty miles beyond the farthest cattle-station in the interior, served only to increase the mystery in which its fate was enveloped, and to heighten the general desire to ascertain whether it ultimately reached the surrounding ocean. An expedition of discovery was accordingly fitted out to proceed down the Murrumbidgee, in the month of November, 1829, of which Captain Sturt, who had shortly before ascertained the termination of the river Macquarie, and the existence of a still larger river in the western

interior, with so much credit to himself and so much satisfaction to the colony, was entrusted with the command.

In the upper part of its course the Murrumbidgee traverses a country consisting chiefly of grassy hills and romantic valleys, well fitted for the residence and subsistence of civilized man. Along the course of the river there is a succession of flats, some on the right, and others on the left bank of the stream; some of larger, and others of smaller extent, which, according to Captain Sturt, "for richness of soil, and for abundance of pasture, can nowhere be excelled." Farther to the westward the country is of an inferior character; and on approaching the meridian on which the Lachlan river had been ascertained by Mr. Oxley to disappear in an extensive marsh, considerably to the northward, it exhibits the aspect of absolute sterility and hopeless desolation. It would seem, indeed, that the overflowings of the marshes of the Lachlan are carried off by a series of insignificant rills into the bed of the Murrumbidgee, just as those of the marshes of the Macquarie are left to find their way into the channel of the Darling. About fifty miles to the westward of these marshes, the Murrumbidgee empties its diminished current into a noble river flowing from the eastward, to which Captain Sturt gave the name of *The Murray*. At the point where it receives the Murrumbidgee, the Murray is about three hundred and fifty feet in width, and from twelve to twenty in depth. "Its reaches," says Captain Sturt, "were from half to three quarters of a mile in length, and the views upon it were splendid: its transparent waters were running over a sandy bed at the rate of two and a half knots an hour; and its banks, although averaging eighteen feet in height, were evidently subject to floods." "The river," adds the same intelligent traveller, in a subsequent paragraph, "upon us at every mile: its reaches were of noble bi

splendid appearance: its current was stronger, and it was fed by numerous springs.”¹

The Murray has since been ascertained to be formed from the confluence of the three rivers already mentioned, that were discovered and crossed by Messrs. Hovell and Hume, on their expedition to Port Phillip, in the year 1824; and it constitutes the common receptacle of the western waters of the south-east angle of the continent of Australia. From its junction with the Murrumbidgee, it flows in a west-north-westerly direction for about fifty or sixty miles, and is then joined by a noble river of a hundred yards in width, flowing from the northward, which Captain Sturt supposed to be the Darling—the common receptacle of the western waters from the twenty-ninth parallel of south latitude. From the point of its junction with the latter river, the Murray pursues a north-westerly course for about fifty or sixty miles farther, and then flows due south for the remainder of its course; terminating at length in an extensive lake on the southern coast, near the gulf of St. Vincent.

The Lake Alexandrina (for such was the name by which Captain Sturt designated the noble sheet of water into which the Murray disembogues its current) is sixty miles in length and forty in breadth, and is situated to the eastward of the gulf of St. Vincent, between the one hundred and thirty-ninth and one hundred and fortieth degrees of east longitude on the southern coast of Australia. It communicates with the ocean in Encounter Bay by a narrow channel, impracticable even for boats; and it has since been ascertained that there is no navigable outlet in any other direction. Some time after Captain Sturt's expedition, Captain Barker, a meritorious officer, also of the 39th Regiment, who was then Commandant at King

¹ “Two Expeditions into the Interior of Southern Australia, &c. By Captain Charles Sturt, 39th Foot.” London, 1833. *passim*.

George's Sound, was ordered by General Darling to examine the southern coast in the vicinity of the lake, on his return to Head-Quarters, after the transference of that settlement to the colony of Swan River; but that unfortunate officer being, it would seem, zealous overmuch in the discharge of his duty, was speared by the black natives when separated from the rest of his party by a narrow inlet on the coast, across which he had swum alone to examine the beach on the opposite shore.

"The valley of the Murray, at its entrance," says Captain Sturt, "cannot be less than four miles in breadth. The river does not occupy the centre, but inclines to either side, according to its windings; and thus the flats are of greater or less extent, according to the distance of the river from the base of the hills."

And again, "If the valley of the Murray is not subject to flood, it has only recently gained a height above the influence of the river, and still retains all the character of flooded land. In either case, however, it contains land that is of the very richest kind—soil that is the pure accumulation of vegetable matter, and is as black as ebony. If its hundreds of thousands of acres were practically available, I should not hesitate to pronounce it one of the richest spots of equal extent on earth, and highly favoured in other respects."²

² Captain Sturt seems to have forgotten that one of the most fertile, most populous, and earliest settled tracts in New South Wales is subject to floods in a high degree—I allude to the valley of the Hawkesbury. The availableness of land in New South Wales does not depend on its being beyond the reach of inundations, as Captain Sturt appears to intimate: on the contrary, the small settler or agriculturist *prefers* land for the purposes of cultivation that is occasionally flooded, to forest-land beyond the reach of floods. On the other hand, it cannot be supposed that a river with so wide an embouchure as the Murray should inundate the level country on its banks to any great depth. The valley may be occasionally under

The portion of the southern coast of the Australian continent, which includes Spencer's and St. Vincent's gulfs, two very deep indentations of the land from the Great Southern Ocean, together with the Lake Alexandrina and the valley of the Murray in the lower part of its course, is now comprehended within the territory of the colony of South Australia; and it will doubtless be gratifying to the reader to learn that, in consideration of the very important services which Captain Sturt had rendered to that colony, in this memorable expedition of discovery from New South Wales, as well as in consideration of his equally eminent services on a subsequent expedition into Central Australia, its legislature, during its very first session, did itself signal honour by awarding to that meritorious officer a pension of six hundred a year. Captain Sturt died in 1872.

That officer, I may add, doubtless merited well also of the colony of New South Wales, not only for the important discoveries he effected in the interior of Australia, but for the skill and judiciousness with which he conducted the two expeditions under his command, in the perilous and trying service in which he was engaged. For not only did he bring back the whole of his party on both occasions without losing a man; but his intercourse with the numerous and sometimes troublesome and even hostile natives, with whom he came in frequent and dangerous contact in the course of his second expedition, was uniformly managed without bloodshed.

As the population of the colony amounted, in the year 1828, according to the census of that year, to 36,598, while in 1833, the period of the first census of Sir Richard

water, but the floods cannot be at all comparable with those of the Hawkesbury, where the occasional occurrence of inundations is no obstacle whatever to the occupation and cultivation of the land formed by their depo

Bourke, it had increased to 60,861, the mean of these two numbers—viz. 48,729—may be taken as the amount of the population towards the close of the government of Sir Ralph Darling in the year 1831.

During the whole period of General Darling's government there was a constant agitation kept up, in the way of public meetings in the colony, and petitions to the authorities at home, on the part of the liberal portion of the community, for the concession of Free Institutions. But these efforts were uniformly and successfully opposed, chiefly in the way of secret communications with Downing Street, on the part of those whose personal interest lay in the opposite direction, and who professed to believe that the colony was unfit for such a boon.

CHAPTER IX.

STATE AND PROGRESS OF THE COLONY UNDER THE GOVERNMENT OF MAJOR-GENERAL SIR RICHARD BOURKE, K.C.B.

Justum et tenacem propositi virum.—HORACE.

Strictly just, but somewhat tenacious.

MAJOR-GENERAL Sir Richard Bourke, K.C.B., the eighth Governor of New South Wales, arrived in the colony on the 2nd of December, 1831; Colonel (afterwards Sir Patrick) Lindesay, of His Majesty's 39th Regiment, having discharged the duties of Acting-Governor during the short interval of six weeks that had elapsed after General Darling left the colony.

Sir Richard Bourke was originally educated for the law, but afterwards embraced the profession of arms. Of a capacious mind, and of superior intellectual acquirements, he was evidently capable of the most comprehensive views in matters of state-policy and civil government, though perhaps somewhat averse to the technicalities of practical detail. Strictly just and constitutionally humane, he was nevertheless inflexibly attached to his own opinions, and, like most military men, impatient of opposition or contradiction.

Sir Richard Bourke commenced his administration on the happiest auspices. The unpopularity of his predecessor, especially towards the close of his government, had induced the colonists of all classes to welcome the new Governor, and to put the most favourable construction on his measures.

Besides, at the period of his arrival, the colony was recovering from the effects of the late war.

drought of unprecedented duration and unexampled severity, which, aggravated, as it had been, by a state of general and extreme depression, arising from the prodigious depreciation of property of every description, had for a time completely paralyzed the energies of the community; and the colonists were consequently prepared to exert their energies again to the utmost, for the accomplishment of whatever object their circumstances should point out to them, as of peculiar importance, and in whatever direction a vigorous administration should lead the way.

Commencing his government in these favourable circumstances, Sir Richard Bourke exhibited at his outset in the colony much of the vigour and firmness of Governor Macquarie. The importance of a combination of such qualities, on the part of a ruler, to the general prosperity and the rapid advancement of a young colony, is incalculable. In the case of a man in authority evincing these high qualities of mind, as compared with the man of feeble and irresolute character, there is all the difference that there is in the case of a time-piece, when its main-spring is possessed on the one hand of the requisite strength and elasticity, and when it is neither strong nor elastic enough on the other to overcome the resistance of the inferior machinery. To continue the metaphor, the colonial time-piece was evidently a great deal too slow when Governor Bourke arrived in the colony: no sooner, however, was its regulator touched, even in the gentlest manner, than its rapidly accelerated movement became generally apparent.

The commencement of Sir Richard Bourke's administration was also peculiarly auspicious from the favourable circumstances in which he had been placed by the Home Government, in regard to the disposal of Crown land. All the former Governors of New South Wales had been empowered to grant portions of unlocated Crown land to private individuals—under certain specific restrictions it is

true, but in reality according to their own private judgment, and virtually without any limitation. It cannot be supposed that so important a prerogative could be exercised in many cases, without giving great offence in particular quarters. Charges of partiality or of injustice were accordingly urged against the Governors of the colony without intermission; for every person naturally thought himself fully entitled to the same extent of land as any other inhabitant of the colony, in similar circumstances, had obtained from the Government. An entirely new system, however, was introduced, by orders from Home, in the year 1831, in regard to the alienation of Crown land in the colony; the Governor being no longer authorized to grant land in any quantity or to any person whatever, except for schools, churches, glebes, or other public purposes. The only mode of alienating Crown lands from and after the period in question, was to be by sale at a public auction; but no land of this description was to be sold unless previously applied for by an intending purchaser; and that purchaser's intention to bid for a particular tract was always to be duly notified, although without giving the individual's name, in the Government Gazette, three months before the day of sale, excepting in the case of a recently arrived emigrant, when one month's notice was held sufficient. A minimum price for building lots in Sydney and the other towns of the colony was fixed by the Surveyor-General; the minimum for five shillings an acre being fixed for all the rest of the territory.

Without entering at present into the details of the much-agitated question as to the propriety of the important and fundamental change in the system in regard to the disposal of waste land, it is evident that the operation and effect of these measures was to bring the

Colonial Government of a load of invidious responsibility, and in depriving the discontented of a fruitful source of dissatisfaction, were not less evident on the one hand than they were salutary on the other.

I have already stated that one of the earliest acts of Sir Richard Bourke's administration was to break off all connexion on the part of the Government with the colonial press. This was an act of which the policy was evident and unquestionable, and of which the colony has experienced the beneficial effects. The patronage which the Colonial Government had previously afforded the *Sydney Gazette* had naturally been regarded with no small degree of envy by the editors of the other colonial journals; and it not only enabled the latter to designate that paper, as they generally did, with some show of justice, *the Paid Official*, but to identify the Local Government with all the sentiments it promulgated. So long as this patronage was afforded, there was *matériel* enough in the colony for the construction of a systematic opposition to all the measures of Government, antecedently to the supposed discovery of anything mischievous or oppressive in these measures themselves; and it only required the Government to make one decidedly false step, or the Government paper to give utterance to some exceptionable sentiment or some ill-timed adulation, to justify the editors of the other papers, in their own estimation, and in that of all their adherents, in affixing their heavy drag to the wheels of the colonial state-carriage, and in ever afterwards keeping it there with the utmost pertinacity, whether the horses were toiling up hill or galloping furiously down. In depriving the *Sydney Gazette*, therefore, of the patronage of Government, and in *unif* leaving the measures of his administration to *spe* themselves, Sir Richard Bourke not of discord from the busy arena consulted his own peace of mind, :

the general tranquillity of the colony. Nay, I am fully persuaded, that if Sir Ralph Darling had only pursued a similar course, he would have saved himself a world of annoyance, and his government would never have been distinguished in the annals of the colony by an *era of libels*.

It would be uninteresting to the general reader to have a list of the acts of Sir Richard Bourke's administration submitted to his inspection. In most of these acts His Excellency was rather passive than otherwise ; doing merely what would have been done perhaps equally well by any man of intelligence in the situation he held ; or in other words, doing merely what the progressive advancement of the colony and the state of its anomalous society rendered necessary to be done. Indeed, the rapid progress and extension of the colony since the arrival of Sir Richard Bourke has necessarily rendered the personal character of the Governor a matter of much less importance to its future welfare than it uniformly was in the earlier period of its existence ; and the stream of its history, ever widening and deepening in its course, will continue to flow for the future with but little reference to the Governor at all. At the same time, there were certain acts of Sir Richard Bourke's administration which were not only important in themselves, as they affected the interests of the colonists generally, but of so peculiar an aspect, as to stamp His Excellency's character both as a Governor and as a man. The acts I allude to were those especially that related to the distribution and coercion of the convict population ; to the constitution of courts of justice ; to the promotion of immigration in accordance with the principle of the then recently established regulations in regard to the disposal of land ; and to the promotion of general education and religious instruction throughout the territory.

Shortly after Sir Richard Bourke's arrival in the colony,

he was given to understand, and ascertained on examination, that the punishments awarded by the colonial Benches of Magistrates, in the cases of convict servants accused of minor offences by their masters, were exceedingly unequal, as compared with each other, and in many cases disproportioned to the offences committed, and unnecessarily severe. To establish something like uniformity, therefore, in the decisions of the colonial magistrates, and to afford the requisite protection to the convict, Sir Richard Bourke procured the enactment of a colonial law by the Legislative Council of the colony, restraining magistrates in petty sessions assembled from the infliction of more than fifty lashes for any one offence. Now, considering the lash as a thoroughly degrading and brutalizing species of punishment,¹ and knowing, as I do, that on the best-managed estates in the colony under the old penal system it was a punishment which was scarcely ever required, I was not disposed to regard the *Magistrates' or Fifty-lashes Act* as a serious offence on the part of the Governor; on the contrary, I regarded it from the first as highly creditable to his sense of justice and his enlightened humanity.

This famous act, however, was regarded with far different feelings by certain of the colonial proprietors, and especially by certain Tory reliets of General Darling's administration, who had been accustomed to a much more liberal application of the *Russian ultimatum*, and whom, perhaps, it also grieved to the heart to find Whig principles at length predominant in the councils of the colony. The hue and cry of ill-judged lenity on the part of the Governor, and of general insubordination on the part of the convicts,—nay, of impending anarchy and insurrec-

¹ It was regarded as an infamous punishment under the law, and was not allowed to be inflicted under any circumstances on Roman citizens. (See Acts of the Council of New South Wales, vol. xxii 25—29.)

throughout the territory—was accordingly raised against the Governor; and petitions for increased power to inflict summary punishment were signed and transmitted to England by various magistrates of the Territory and colonial proprietors, who, to my own certain knowledge, had never expended one solitary farthing for the religious instruction of their numerous convict servants! It was not civil and religious liberty—that pearl of inestimable price in the eyes of our forefathers in the earlier days of emigration to America—for which these Australian worthies petitioned; it was for a somewhat different species of liberty, *the liberty to lash*; and long and deep were the groans they uttered, through their favourite organ, the *Sydney Herald*, when they found it denied them.

Previous to Sir Richard Bourke's arrival, the assignment of convict servants had, in one way or other, proved a source of patronage to the colonial Government, or at all events to persons connected with it. The Assignment Board established by General Darling had partly corrected this abuse, and in some measure equalized the distribution of the convicts among the settlers; but there were still ways and means of getting more than one was entitled to, or than others equally deserving could obtain in the shape of convict labour, during General Darling's administration, notwithstanding the establishment of that Board; and the fact was notorious in the colony. As a statement, however, to this effect, contained in the first edition of this work, was called in question at the time of its publication by General Darling himself, in a letter which he wrote me on the subject, and to which I replied, I deem it necessary to relate the following incident, of which I reminded His Excellency in my letter, as illustrative of the accordance of that statement with my own experience and observation.

As I was travelling on one occasion in the discharge

of clerical duty in the district of Bathurst, during Sir Ralph Darling's administration, I happened to call at the cottage of a respectable settler, a magistrate of the territory, who I found was building a remarkably substantial two-story house, on his estate at the time. He asked me to look at the house, which was beautifully situated on a rising ground, commanding a wide extent of champaign country; and I accordingly did so before resuming my journey. In pointing out its various advantages, the settler informed me that the brickmaking and bricklaying operations, the carpentry and joinery work, the plastering and shingling, and if I am not greatly mistaken, the cabinet-maker's and upholstery work also, had all been done by his own assigned convict servants. I happened to mention the circumstance in the course of conversation with the next settler I called on a few miles off, without suspecting, however, that there was any peculiarity in the case; when the settler observed to me, not without a slight display of indignant feeling, that he had been applying for a convict mechanic himself for years, but had been unable to obtain one, although he had confessedly done much more for the district than his more fortunate neighbour. The first settler was the friend of a colonial functionary of some influence at the time; and I could not fail to observe that he was always particularly active in his district whenever addresses were to be moved to General Darling. The second settler, who was also a magistrate of the territory, was merely a man of independent principles and feelings, who was accustomed to think and act for himself.

To put an end to everything like favouritism in this department of the public service, and to equalize the distribution of the convicts, Sir Richard Bourke established a code of Regulations for the Assignment of convict servants, agreeably to which the number assignable to any applicant was to depend on the extent of

land he held, and especially of land in cultivation; certain subordinate regulations being established in favour of reputable persons cultivating small farms, and convict mechanics of certain handicrafts being estimated as equivalent to two or three common labourers each. The equity and impartiality of this arrangement were so apparent, that it was scarcely possible to find exceptions against it: it was complained of, however, by the same parties who had complained of the Magistrates' Act, because forsooth the New Regulations prohibited the assignment of more than seventy convicts to any one proprietor! It was surely a sufficient number to consign to the blackness of moral darkness and to spiritual death, in the service of men who, as was almost universally the case with the more extensive colonial proprietors at the time, had never expended one solitary farthing in promoting their moral and spiritual welfare!

It was the opinion of Sir Richard Bourke, expressed in a despatch to the Secretary of State for the Colonies, which was printed by order of the House of Commons, that it would be greatly for the benefit of the free settlers in New South Wales to dispense with convict labour altogether. This, I believe, was the first time that such an opinion had ever been put forth by a Governor of New South Wales, and it was regarded at the time as absolutely monstrous by the great body of colonial proprietors. But Sir Richard Bourke was, in this, as well as in various other important respects, a man remarkably in advance of his age. He saw from the first the change that was coming over the face of the colony, as well as over the spirit of the dream of the colonists, by means of free emigration; and he was prepared rather to welcome and anticipate, than to deprecate and retard that important consummation. He saw clearly that the colony had outgrown the conditions of a mere penal settlement, and that the further continuance of transporta-

tion to its territory would prove a serious bar to its welfare and advancement. In these opinions of His Excellency, I confess I cordially concurred; and it is somewhat remarkable that, without being aware at the time of the Governor's opinions on the subject, my evidence, given before a Select Committee of the House of Commons on Transportation, in the year 1837, was precisely to the same effect.

From the peculiar constitution of society in New South Wales, there had been a yearly increasing number of free persons in the colony during the continuance of the transportation system, who had arrived in the territory as convicts, but whose respective sentences of transportation had expired; and it had long been a question much agitated in the colony how far these persons, together with those who had obtained absolute or conditional pardons, were to be considered as restored to the rights and privileges of free subjects, and particularly whether they were eligible to act in the capacity of jurymen. The emancipists, as they were usually styled in the colony, claimed this privilege themselves as a matter of right; chiefly, however, from having been taught and incited to do so by certain newswriters of their own class and origin, as well as by certain lawyers of inferior respectability, who depended chiefly on emancipist and convict practice, and who willingly pursued the arts of petty agitation to acquire an importance in society which they had no other means of attaining. It is not to be denied, however, that there were men of much higher standing in the colony, but chiefly of that class of persons to whom the praise and the popularity of political liberalism were objects of importance, who advocated the claims of the emancipists, and who maintained especially their eligibility to act as jurymen.

It is scarcely to be supposed that Sir Richard Bourke could have been enabled from his own personal experien-

and observation, during the first eighteen months of his residence in New South Wales, to decide on a subject of such vital interest to all classes of the inhabitants of the colony; and it was doubtless to be regretted that he seems to have derived his information on that subject chiefly from one source. At all events, a law was proposed by His Excellency to the Legislative Council, during the Session of 1833, declaring emancipists qualified to serve on criminal juries, *provided they possessed 30l. of yearly income, or personal property to the amount of 300l.*²

In regard to the question of law involved in this matter there could be no doubt. A letter had been addressed on the subject by the Colonial Secretary, during the Session of the Legislative Council, to the three Judges of the Supreme Court,—Sir Francis Forbes, Chief Justice, and James Dowling and W. W. Burton, Esquires, Puisne Judges,—who replied unanimously that the proposed law would be in perfect accordance with the laws of England; where, with the exception of persons who had been guilty of perjury, or other offences accounted infamous by the law, a person who had been convicted of a transportable offence, and had either served the period of his sentence or received a pardon, would be eligible to serve on juries.

Notwithstanding the absence of the Archdeacon and Mr. Robert Campbell, sen., two members of the Legislative Council who were decidedly opposed to the measure in question, there were still six of the members of that body opposed to it on its being put to the vote; but the Governor, and five members who adhered to him, having voted in its favour, His Excellency decided the matter in a way which for aught I know to the contrary, may be defensible,—viz. by giving a *second* or casting vote, by which it forthwith became the law of the land.

² They had been rendered eligible to serve on civil juries by a previous enactment.

Previous to the Session of the Legislative Council for 1836, a second letter was addressed by the Colonial Government to the three judges, desiring their opinion on the working of the jury law; in reply to which, two of them—viz. the Chief Justice and Mr. Justice Dowling—expressed themselves, though by no means warmly, in favour of its operation; while Mr. Justice Burton expressed himself decidedly against it. As the subject, however, although one of the deepest interest at the time, has long ceased to be of any importance in New South Wales, in consequence of the entire cessation of transportation to that colony in the year 1840, and of the subsequent gradual disappearance of the class of emancipists from the face of colonial society, I deem it unnecessary to enter upon the discussion of the question. I confess, however, that at the time when the Jury law was under general discussion in the colony, I concurred entirely with Mr. Justice Burton.

It was peculiarly unfortunate for the popularity of Sir Richard Bourke, among the numerous friends and supporters of General Darling's administration, that he had nothing *to give*, as a Governor, in the shape of eligible grants of land and suburban allotments. This misfortune was doubtless greatly aggravated by the publication of his *Assignment Regulations*, which, by enforcing a system of impartial justice in the distribution of convict labour, denuded the Government of another powerful means of influence in a penal colony, and precluded the hope of procuring an additional supply of that valuable commodity on the part of all who had already obtained more of it than their due proportion. But it was the *Magistrates' Act*, the object of which was to protect the convict from that petty tyranny which undoubtedly prevailed at that period to no inconsiderable extent in the colony, that led to the organization of a regular faction against his person and

government ; to the principles and operations of which the subsequent enactment of the Colonial Jury Bill certainly gave an aspect of plausibility, in the estimation even of many moderate persons, while it served greatly to add fuel to the flame. Meetings were accordingly held ; petitions to the Home Government, representing the critical condition of the colony, were got up by the *laudatores temporis acti*, and all the other approved machinery of colonial tactics was put in motion.

I have already observed that one of the approved modes of endeavouring to lower the Governor for the time being in the estimation of the public in New South Wales, is to profess an uncommon degree of respect and attachment to one or other of his predecessors : it was accordingly resolved, at the time and by the parties I allude to, to erect a monument to the late Governor, Lieutenant-General Sir Ralph Darling. The person who was most actively engaged in this affair, in the way of collecting subscriptions for the monument, was a person of questionable merit, whose family had managed to engross Government appointments, during the administration of General Darling, to the amount of not less than 1500*l.* per annum, besides spacious grants of land and valuable town allotments. Perceiving that the sole object of the proposed measure was to bring the actual Governor into disrepute in the colony, chiefly on account of his impartial justice and enlightened humanity, I caused to be inserted, in a weekly journal which I had deemed it necessary to establish in the year 1835, for the furtherance of the intellectual and moral advancement of the colony, an article, in which, after mentioning the affair of the intended monument, and commending the proper feelings of the parties who were the most prominently engaged in urging it forward, and especially of the individual who was collecting subscriptions, and showing that the whole affair

was to be understood rather as a becoming testimonial of private gratitude *for favours received* than as a tribute of respect and attachment from the public generally, it was suggested that, as the parties concerned had probably been too busy to think of an inscription for the intended monument, the following might be by no means inappropriate:—

TO HIS EXCELLENCY
LIEUTENANT-GENERAL SIR RALPH DARLING, K.C.B.
FOR SIX YEARS GOVERNOR OF
NEW SOUTH WALES.
ERECTED
BY THOSE CIVIL AND MILITARY OFFICERS,
AND BY THOSE OTHER INHABITANTS OF THE COLONY,
WHOSE PRIVATE INTERESTS
HE WAS ALWAYS READY TO PROMOTE,
AT THE EXPENSE OF THE PUBLIC.

There was too much truth in this proposed inscription not to be generally felt and acknowledged. It served accordingly as a *coup de grâce* to the monument, which, of course, immediately fell to the ground.

In the mean time, the *Sydney Herald*, a journal which had been established towards the close of Sir Ralph Darling's administration, professing moderate principles, but entirely devoted to the interests of the party now in opposition, was employed by the leaders of that party, in the most unscrupulous manner, to expose every act or measure of the Governor's to public reprobation, and to bring his person and government into absolute contempt. A single instance of the means that were occasionally resorted to to effect this object will serve to demonstrate the vile character of an influential portion of the colonial press at the period referred to, and the entire destitution

of honourable principle that characterized the individuals who then wielded that powerful engine for the degradation and ruin, rather than for the welfare, of the colony.

In the year 1832 the Home Government, having determined to appropriate a considerable portion of the funds arising from the sale of Waste Lands in the Australian Colonies, under the new system then recently introduced, towards the conveyance of unmarried female emigrants to these colonies, a Board for carrying the arrangement into effect was formed in London, under the designation of the *Female Emigration Board*; of which the whole business, in collecting and forwarding the emigrants, was in reality entrusted to a notorious speculator, of very questionable principles, in the City of London, and conducted exclusively on the principle of a mere mercantile speculation, without the slightest regard for the moral welfare of the colonies. Sir Richard Bourke was in no way responsible for this malversation, or for the moral worthlessness of a large proportion of the female immigrants: but conceiving it his duty, as the Governor of New South Wales, to provide for their safe keeping on their arrival in the colony, till they should obtain eligible situations, he very humanely surrendered for this purpose a portion of the premises of Government House, in the town of Sydney, where they enjoyed comfortable quarters without expense to the Government, and where they were easily protected from the intrusion of disreputable persons. So humane an act, which, one should have thought, would have disarmed hostility, served only to exercise the despicable ingenuity of an unprincipled faction at the Governor's expense; for a letter appeared forthwith in the *Sydney Herald*, purporting to be written by a recently arrived female emigrant to her sister in England, describing the reception she had met with on her arrival in New South Wales, the invitation she had received to take up her residence in Government House,

the personal attentions that had been paid her by the Governor, the interesting meetings she had had with his Excellency in the private walks of the domain, and the brilliant prospect she had reason to entertain from the conquest she had effected. Sir Richard Bourke was residing at the time at Parramatta, where his lady, to whom he had been tenderly attached, had died shortly before; his domestic establishment being superintended by an unmarried daughter. The infamous character of such an attack, under such circumstances, was, however, in keeping with the course by which the same journal, supported and abetted still by the same party, subsequently pursued, in virtually advocating the indiscriminate massacre of the aborigines of the colony, and in attempting to screen the convict murderers of these wretched participants of our common humanity, and their gentlemen accessories both before and after the fact, from public justice and general reprobation.

Unfortunately, however, Sir Richard Bourke and his friends lacked the wisdom that was requisite to enable them to leave the authors of these ungenerous and unfounded attacks, that were made so perseveringly against his person and government, to the contempt they merited. In the year 1834, when the Darling faction was first marshalled against His Excellency, the *Sydney Gazette* was ostensibly under the editorial management of Mr. Edward O'Shaughnessy, an emancipated convict from Dublin, but in reality under the entire control of a Scotch convict of the name of Watt, to whom General Darling had given a ticket of leave, with permission to reside in Sydney. Thoroughly unprincipled in his character, and notoriously profligate in his habits, this worthless reprobate was permitted, for two years in succession, to occupy the important position of literary dictator for the colony in all matters relating to morals and government, under

the very eye of the Sydney police, and within gunshot of Government House—because, forsooth, he occasionally patronized the former with laudatory paragraphs, which were much needed at the time, and honoured the latter with a systematic defence. Nay, instead of allowing the excitement which the Magistrates' Act had produced among the adherents of the late Governor to subside gradually, which it would otherwise have done, Watt was notoriously encouraged and assisted by the Governor's friends in getting up a pamphlet in justification of that measure, under the designation of *Humanitas*, of which short extracts were occasionally published in the *Sydney Gazette*, but of which the publication of the whole was deemed unadvisable, as it was found to be a gross and impudent libel upon the magistrates and other respectable inhabitants of the colony. It was universally believed at the time that the late Roger Therry, Esq., afterwards one of the Puisne Judges of the colony, but then Commissioner of the Court of Requests, and a warm adherent of the Governor's, had been aiding and assisting the convict Watt in the getting up of that pamphlet; and it followed, as a matter of course, that Mr. Therry participated in no small degree in the general indignation which it excited.

In the course of the following year, however, the Governor, perhaps overlooking this important circumstance, or perhaps overborne by the urgent solicitations of personal cupidity, caused Mr. Therry to be nominated as a candidate for the Office of Chairman of the Court of Quarter Sessions, which happened to fall vacant towards the close of the year 1835, and to which the appointment was exclusively in the hands of the magistracy. When apprized of this injudicious nomination, a large majority of the magistrates announced their determination not to vote for Mr. Therry on any account; but expressed their willingness at the same time to appoint any

duly qualified person who might be agreeable to the Governor, it was suggested to the Honourable C. D. Riddell, Colonial Treasurer, and Member of the Executive Council, to allow himself to be proposed as a candidate for the office; which that gentleman having done, he was elected accordingly. As Mr. Therry had already two Government appointments, for each of which he was receiving a handsome salary at the time, in addition to his private practice as a colonial barrister, it was evidently as gross an act of injustice to other qualified persons, and as flagrant an insult to the common sense of the colony, to propose to conjoin the chairmanship of the Court of Quarter Sessions, for which there was a separate salary of 400*l.* per annum, with the other offices of that gentleman, as with that of Mr. Riddell.

The Governor, however, was inflexible; having doubtless satisfied himself that, while no accumulation of Government appointments was too great for the broad shoulders of his favourite, Mr. Therry, the Colonial Treasury Chest was a sufficient load for Mr. Riddell. Refusing his sanction, therefore, to Mr. Riddell's acceptance of the office of Chairman of the Quarter Sessions, and regarding the circumstance of his having suffered himself to be nominated for an office for which he had himself nominated another candidate, as a personal insult, he caused Mr. Riddell's name to be erased forthwith from the List of Members of the Executive Council. Against this act of private spleen and petty tyranny, so utterly unworthy of the character of Sir Richard Bourke, Mr. Riddell appealed to the Right Honourable the Secretary of State for the Colonies; who, having instructed the Governor to reinstate him in his office as a Member of the Executive Council, His Excellency immediately resigned his own appointment, in accordance with the determination he had previously expressed on the subject

to the Secretary of State, and left the colony for England, by way of Valparaiso and Buenos Ayres, on the 6th of December, 1837.

To anticipate for a little the course of events, I may mention—as a singular instance of the state of public feeling in the colony towards the public functionary who was thus the occasion, if not the cause, of its being deprived, at too early a period, of the services of Sir Richard Bourke—a circumstance that occurred in the year 1843, when the colony had just obtained, for the first time, a partially elective legislature. Mr. James Macarthur, who had been a member of the previous Nominee Council, and who, for some minute service which he had rendered to the public in that capacity, was rather liked at the time, was invited by a large number of the electors of the county of Cumberland, the metropolitan county of the colony, to offer himself as one of the candidates for that county; and having accepted the invitation, his election was understood to be secure. Mr. Macarthur's own county, in which the extensive estates and family influence of his family principally lay, was the adjoining county of Camden; and having made sure of Cumberland, he was naturally anxious to have a *safe* person, whom one would always be sure to find on the right side—I mean the side of constituted authority—for the county of Camden. With this view, he gave all his family influence in the latter county to Mr. Roger Therry, whom he recommended to the electors as a fit and proper person for their member, and who was returned accordingly, in opposition to a candidate who was much more generally acceptable at the time throughout the colony, and who has since been repeatedly Colonial Secretary and Premier of New South Wales,—Mr. now Charles Cowper.

There were three grounds on which Mr. Therry

particularly objectionable at the time to a large majority of the colonists generally. In the first place he was a Government officer, and, even as such, was notoriously a mere Vicar of Bray, who always *swore* by the *man that was in*, as the readiest way of getting in farther himself. In the second place, he had given prodigious offence by the sort of underhand literary partnership which he was understood to have had with the worthless convict Watt, in libelling the Colonial Magistracy, to carry an obnoxious measure for the reigning Governor. And in the third place, he was a prominent member—the most prominent, indeed, at the time—of the Roman Catholic communion; whereas Mr. Cowper, the unsuccessful candidate, used afterwards, when returned for another constituency, to be facetiously described, by an old superannuated Scotch nominee member, as “the member for the Church of England.”

In such circumstances, Mr. Therry's return for the county of Camden, on the Macarthur interest, gave prodigious offence to a powerful party in the colony; who, being pretty strong in the county of Cumberland, determined to punish Mr. Macarthur, by bringing forward Mr. Cowper to oust him for that county at the eleventh hour. They did so accordingly, and Mr. Cowper was returned by a large majority. As for Mr. Therry, although an elective member, he voted, as became him as a Government officer, so regularly for the Government of the period, when that Government was, in the estimation of the elective members generally, in direct hostility to the interests of the people, that he voted himself up at length into his subsequent office as a Puisne Judge. Having at length retired from that office, however, on the pension provided for ex-Judges under our Colonial Statute, he died lately, I believe, in London.

When it was finally understood
determined to leave the color

actually been appointed at his own particular desire, respect for his person and character, and a due sense of the important services he had rendered the colony (some of which will be mentioned in the sequel), overpowered every other consideration, and his departure was viewed with deep and general regret. In testimony of this feeling, a subscription for a bronze statue to his honour, to be erected in some conspicuous place in the City of Sydney, was immediately set on foot, and about four thousand pounds was raised for the purpose. The statue was accordingly cast, from a model by an eminent artist in London, and it now stands in an elevated and peculiarly commanding situation at the entrance of the Government domain, overlooking the splendid harbour of Port Jackson.

In reviewing the acts of Sir Richard Bourke's administration, it will doubtless be admitted that the circumstance that principally characterized the important epoch of his government of New South Wales was the change that had been effected in the year 1831 in the mode of disposing of the waste lands of Australia, and the consequent creation of a revenue of indefinite amount for the promotion of free emigration from the United Kingdom to the Australian Colonies. The following is a tabular view of the state and progress of the Colonial Land Revenue during the six successive years of Sir Richard Bourke's administration:—

Year.	Amount.		
	£	s.	d.
1832 (including the sum of 3617 <i>l.</i> 17 <i>s.</i> 5 <i>d.</i> received during the year 1831).	17,301	3	6
1833 " .	26,275	5	9
1834 " .	44,816	14	9
1835 " .	89,707	15	10
1836 " .	132,606	15	0
1837 " .	128,944	9	6½
Total	£439,652	4	4½

It thus appears that, during the administration of Sir Richard Bourke, a revenue, arising from a new and previously unproductive source, and amounting at length to not less than a hundred and thirty thousand pounds sterling per annum, in a colony of not more than 85,000 inhabitants, had been suddenly and unexpectedly created in New South Wales, through the policy of selling the waste lands of the colony instead of granting them as before. At the time that this change was effected, a pledge had been virtually given to the colonists that this revenue should be appropriated mainly towards the encouragement and promotion of the emigration of virtuous and industrious families and individuals from Great Britain and Ireland: and, considering the original character of the colony as a general receptacle for the accumulated criminality of the empire, no appropriation of that revenue could possibly have been more judicious on the one hand, or more important, in the eye of enlightened philanthropy, on the other. For there was thus provided the means of infusing, to almost any conceivable extent, the salutary ingredient of a virtuous and industrious population into the mass of a convict colony, and of thereby elevating that colony, in a period of time comparatively short, to the rank of an intelligent, respectable, and religious community. In short, a Governor of New South Wales, of comprehensive views and energetic character, or who had any personal connexion with the country, would in such circumstances have recognized the paramount importance of holding the Home Government to their pledge, and of plying to the utmost the powerful moral lever that was thus placed in his hands. It is deeply to be regretted, however, that Sir Richard Bourke was in great measure deficient, either of the intellectual discernment that would have enabled him to recognize the paramount importance of his position, or of the vigorous character that would have led to it.

opportunity of advancing the moral welfare of the colony which he thus undoubtedly enjoyed.

In the years 1832, 1833, and 1834, emigration to New South Wales had been conducted exclusively under the auspices of the Female Emigration Board, in London; but in so exceptionable a manner that, in the year 1835, the streets of Sydney and the public houses of the colony were actually swarming with free immigrant prostitutes from the cities of London, Dublin, and Cork, the expense of whose passage out had been defrayed from the land revenue of the colony! Still, however, as there had only been an expenditure of 22,432*l.* 8*s.* 1½*d.* incurred for the purposes of immigration during these three years, while the land revenue for the same period amounted to 88,393*l.* 4*s.* 0*d.*, there was a balance of unexpended revenue arising from that source on the 1st of January, 1835, to the amount of 65,960*l.* 15*s.* 10¾*d.* In the meantime, however, as the Colonial Government had been entirely inactive on the subject of immigration, and had taken no steps to secure the due appropriation of the land revenue, the Right Honourable Spring Rice (afterwards Lord Monteagle), who was then Secretary of State for the Colonies, determined, in concurrence with the Lords of the Treasury, to appropriate a considerable portion of this balance, of the existence of which he had been duly apprized by the Governor, for the maintenance of the Police and Gaol establishments of the colony—thereby diverting the funds which Divine Providence had unexpectedly placed in the hands of the rulers of the colony, doubtless for the accomplishment of its moral renovation, towards the maintenance and perpetuation of its low and degraded condition as the mere gaol and penitentiary of the empire. The announcement of this arrangement was made by Sir Richard Bourke in his opening address to the nominee Legislative Council in the year 1835, and, had no effort been made from without, the principle of appropri-

ating a large portion of the land revenue towards the maintenance of the convict system of the colony would doubtless have been established forthwith by that plastic body, without notice and without remonstrance. Perceiving, however, the extreme importance of the crisis, as affecting the moral welfare of the colony in all time coming, I published a series of articles on the subject in the journal to which I have already alluded; pointing out to the colonists the means which the land revenue afforded of effecting an entire moral revolution in the character of the colony within a comparatively short period of time, through the gradual introduction of a numerous, industrious, and virtuous population from Great Britain and Ireland, and the strong interest which they consequently had, both individually and collectively, in preventing the appropriation of that revenue for any other purpose whatever. These papers had the desired effect; the colonists were aroused for the first time to the importance of immigration in a moral as well as in a political and social light, and a strong memorial signed by a large number of the most respectable inhabitants of the colony, assembled in public meeting in Sydney, and presided over by the Chief Justice, Sir Francis Forbes, was accordingly presented to the Legislative Council, deprecating the appropriation of any portion of the land revenue for any other purpose whatever. The Government influence, however, was too strong in the Legislative Council to prevent the passing of the vote which the Governor had been instructed to call for by the Secretary of State, and the appropriation was voted accordingly; but as the ordinary revenue of the colony proved sufficient to meet the whole expenditure of the Government during the last three years of Sir Richard Bourke's administration, that vote was in reality a dead letter, and the unexpended balance of the land revenue remained untouched.

In the year 1835, a Committee of the Legislative

Council was appointed to ascertain the wants of the colony in regard to free labour; and as it appeared, from the investigations of that Committee, that from four to five thousand additional free labourers and mechanics were urgently required, and could be immediately employed in the colony, besides women and children, it was confidently expected, that the Colonial Executive would forthwith adopt the requisite measures for supplying that deficiency, especially as the means of doing so were fully in its power. Nothing, however, was done for the promotion of immigration, during the whole period of Sir Richard Bourke's government, with the exception of authorizing a few colonial proprietors to import a few hundred agricultural labourers on a bounty insufficient to cover the necessary outlay, and employing a few Surgeons in the Royal Navy to select and to carry out a few ship-loads of mechanics for the public works of the colony. In short, while the land revenue amounted, during the six years of Sir Richard Bourke's administration, to 439,652*l.* 4*s.* 4 $\frac{3}{4}$ *d.*, the whole expenditure for immigration during that period amounted only to 91,167*l.* 13*s.* 2*d.*

This lamentable inattention on the part of the Governor to the real interests of the colony, when there were such ample means available in the land-fund for their rapid advancement, was probably the result of that want of energy which is the usual accompaniment of advancing years, if not rather of that bitterness of feeling which had doubtless been induced by the unmanly opposition he had experienced for measures which deserved unqualified commendation. But in whatever it originated, it doubtless proved the source of much practical evil to the colony. It checked the march of its general improvement by preventing the importation of the large amount of valuable labour which might otherwise have been secured to it: it retarded the progress of its moral advancement by virtually repelling from its shores the numerous industrious and virtuous free

emigrant population which might otherwise have been attracted to its territory; and, at a time when the Colonial Treasury was overflowing with funds available for the promotion of immigration, but locked up from the public under the hand of the Governor, it virtually compelled the colonial proprietors very shortly thereafter to enter into Associations for importing, at their own private expense, Hill Coolies from India, Chinese labourers from Canton and Amoy, South Sea Islanders from the New Hebrides, and Expiree convicts from Tasmania, to fill the places that might otherwise have been occupied, so much more advantageously for the colony in every respect, by thousands of the redundant and comparatively virtuous population of the British Isles.

In consequence of this inexcusable neglect of duty on the part of the Local Government, the Right Honourable Lord Glenelg, who was then Secretary of State for the Colonies, very considerably took the matter into his own hands, and in the year 1837, the last of Sir Richard Bourke's government, organized an Agency in England for the promotion of emigration to New South Wales, at the expense of our land-fund, from all parts of the United Kingdom; and I am happy to state that the colony derived much benefit, both morally and otherwise, even from the comparatively limited amount of immigration which that Agency effected. Under this arrangement emigrant ships were despatched successively from various ports in England, from the east and west coasts of Scotland, and from the North and South of Ireland, so as to distribute the benefit which a free passage to Australia implied as fairly as possible over the three kingdoms; and in this way a large body of reputable and valuable free emigrants were conveyed to the Colony. As an illustration of the mutual benefit resulting to the mother country and the colony from this arrangement, I shall only mention a few

incident of the period, of which the scene was in the West of Scotland. I had undertaken a fourth voyage to England in the year 1836, to bring out a number of ministers of religion and schoolmasters, in the improved circumstances of the colony, resulting from Sir Richard Bourke's liberal measures in connexion with religion and education. I was therefore in England during the winter of 1836 and 1837, when one of those periods of destitution which have since been of such frequent recurrence in the Highlands and Islands of Scotland had occurred. A public meeting, which I attended, was accordingly held on the subject in the Egyptian Hall in the Mansion House, London, to receive the statement of a Deputation from Scotland, which had been commissioned to represent the destitute condition of the Highlands and Islands to the Government and the public, and especially to solicit aid from the Public Treasury to effect a large emigration from these localities to Canada. The Deputation informed the meeting, however, that, although the Government had given them a cheque for 10,000*l.* as a charitable contribution from the public funds for the relief of the existing destitution in the Highlands and Islands, there were no funds available, in the Treasury, for the promotion of emigration to any part of British America. Immediately after the meeting, I waited upon the Deputation and informed them that, although there were no funds available for the promotion of emigration to Canada in the British Treasury, there was a large fund, available for emigration to Australia, in the Treasury of New South Wales, which, to my certain knowledge, would amount, at the close of the year 1836, to not less than 200,000*l.*; and I recommended to the Deputation to urge upon Lord Glenelg the immediate appropriation of this fund for the relief of the existing destitution in the way of promoting emigration to that colony from the Highlands and Islands of Scotland. The Deputation were delighted

with the idea, and immediately waited upon Lord Glenelg with the information I had given them, which, it seemed, his Lordship had not previously received. The usual objections of office to the new idea I had suggested were, of course, urged on the occasion, to all of which my general acquaintance with the state of things in the colony, backed with the colonial statistics I had brought home with me to England, enabled the Deputation to offer a satisfactory reply: and the result was that the sanction of the Privy Council, to which the matter had to be referred by the Colonial Office, having been obtained, the arrangement I had recommended was carried out accordingly; eighteen ship-loads of the destitute Highlanders and Islanders, amounting to upwards of four thousand individuals, having been carried out, at the expense of the colony, and landed in Sydney and Melbourne, during the three following years. And as the Highlanders and Islanders are generally a semi-pastoral people, accustomed, from their youth up, to the peculiar occupation of the Australian colonies, their importation was universally acceptable to the colonists, and proved as great a boon to their adopted country as their emigration had done to their native land. They were scattered over New South Wales and Victoria as shepherds and small farmers; one of them, since deceased, having actually attained to the dignity of a minister of the Crown in Queensland.

It cannot be doubted, however, that, if an Agency consisting of men of colonial experience and general ability, to be employed in the mother country, had been created in the colony, with the sanction of the Home Government, in the year 1835, when the amount and appropriation of the Land Revenue first attracted general attention in New South Wales, emigration to the colony at the public expense might have been conducted much more beneficially for all concerned than it actually was, and at much less cost to the

public, while the enormous evils of the emigration of a later period, to which I shall have occasion to refer in the sequel, would never have occurred. But Sir Richard Bourke, unfortunately, allowed the proper time for action to pass unimproved; and the colony had to reap the bitter fruits of his inattention and neglect. In one word, although Sir Richard Bourke undoubtedly deserves the highest praise as a legislator, it was a man of energy and action that the colony chiefly required at the head of its government during the transcendantly important crisis of his administration; and if His Excellency had only possessed these requisites and turned them to their proper account, as he might unquestionably have done with perfect facility, he would scarcely have needed even a statue of bronze to proclaim his merits and to perpetuate his fame.

When about to proceed to England, for the fourth time, in the year 1836, my late brother, Mr. Andrew Lang, whom I have already had occasion to mention, requested me to engage for him a few families of French or German Protestant vine-dressers, whom he proposed to settle on his estate of Dunmore, Hunter's River, for the cultivation of the vine, and to whom he authorized me to offer a free passage out, for which he had obtained the requisite authority under the Bounty System, with rations for themselves and families till they should be able to provide for their own subsistence from the produce of the land. They were each to have a suitable extent of land for a small farm, on a long lease, and on very favourable terms; as the locality in which the settlement was to be formed consisted of a true alluvial soil of the first quality for cultivation, and especially, as the late Dr. Leichhardt had stated that the cultivation of the vine, being also in the line of steam navigation to Sydney.

I willingly agreed to undertake this matter, and was allowed to engage as

would fill a ship of four hundred tons, and form a small parish or commune by itself; and provided also that I should be authorized to carry out a minister and schoolmaster along with the emigrants, from their own country, and of their own communion; as I could not undertake to introduce into the colony a body of foreigners, without providing for their religious instruction and for the education of their youth. Mr. Lang having agreed to these conditions, and having obtained authority from Sir Richard Bourke for the importation of fifty families of foreign vine-dressers, on the usual bounty of the period,—viz. 15*l.* for every adult landed in the colony, and 5*l.* for every child above one year,—I proceeded, in the month of February, 1837, shortly after my arrival in London, to France, in the first instance, but afterwards to Wirtemberg, in Germany, and from thence to Frankfort on the Maine; and in these localities I found no difficulty, through the influential persons to whom I had obtained introductions at Paris and Strasburg, in making the requisite preliminary arrangements. On passing down the Rhine, however, to Rotterdam, in Holland, where it was proposed that the emigrants should embark, I ascertained that the Dutch Government would not allow a body of emigrants from Germany even to pass through that country, unless a guarantee should be given by the British Government that they should not be returned to it as paupers. But as such a guarantee was hopeless, the enterprise had to be given up, till it could be effected in some other way.

Having ascertained, however, on my return to England, through a French Protestant clergyman at *Havre de Grace*, that there was a large number of German Protestant vine-dressers in that city and neighbourhood, who had left their native country with the intention of emigrating but whose funds were exhausted from the labour of their long journey overland, and their subsistence in Havre, it was arranged that the requisite

families should be selected from amongst these emigrants for the projected vinegrowing settlement in Australia. With the assistance of the clergyman above-mentioned, Captain Bernard, a French Protestant shipmaster, who had relatives in New South Wales, accordingly selected forty-eight families of these German vine-dressers, who, with the unmarried brothers and sisters of some of the families, amounted to two hundred and fifty persons altogether. This large party embarked at Havre, on board the French ship "*La Justine*," of which Captain Bernard was part owner, and sailed for Australia under favourable auspices in the month of July, 1837. In addition to the Government bounty of 15*l.* for each adult, and 5*l.* for each child, which Captain Bernard was to receive on his arrival in New South Wales, I had stipulated, on behalf of my brother, that he should be paid 3*l.* additional for every adult, as the Government bounty, which was afterwards raised to 18*l.*, was then deemed insufficient; and to enable Captain Bernard to purchase the requisite supplies for his voyage, I had drawn upon my brother, through one of the colonial banks in London, for a thousand pounds, against the Government bounty, which he had thus received in advance.

The voyage proved highly propitious as far as Rio de Janeiro, where Captain Bernard unfortunately touched for refreshments and supplies; for the Brazilian Government of the period, on being informed of the character and qualifications of the large body of valuable emigrants whom he had on board, offered Captain Bernard a large sum—sufficient to have reimbursed him handsomely for all the expenses of his voyage—if he would only land them on the beach, as the Imperial Government was exceedingly desirous at that time of forming a settlement of such foreigners in the southern provinces of that vast empire. But Captain Bernard, being a man of integrity, refused the offer and stood out to sea again with his passengers. During his stay at Rio,

however, some interested or meddling people, from amongst the large German population of that city, had managed to poison the minds of their countrymen on board the French ship, by inducing them to believe that they were going to be made slaves of in New South Wales, and by filling them with all manner of dismal apprehensions. In this way they had succeeded in persuading the emigrants not to proceed on their voyage to Australia, and had even supplied them secretly with arms, to compel the captain to return and land them at Rio, if he should proceed to sea. They had no sooner, therefore, got out to sea than they rose *en masse*, and insisted on Captain Bernard's putting back with them to Rio, which he was accordingly constrained to do. The Brazilian Government, finding that their object was now accomplished, gave Captain Bernard only a portion of the sum they had offered him in the first instance; but I must do that gentleman the justice to state that he honourably relieved both my brother and myself from the pecuniary obligation we had incurred to facilitate his arrangements. The non-arrival of this large body of experienced vine-dressers was an irreparable loss to the colony. I have ascertained, however, from a gentleman who had since been residing for some time in Rio, that these German vine-dressers, although they were unfortunately lost to Australia, proved a valuable acquisition to their future fellow-countrymen in the Brazils. They formed a settlement for the growth of the vine in the mountainous country to the south of Rio, near the Emperor Don Pedro's summer palace. They built a town also in their settlement, which they called Petropolis, in honour of the Emperor, who took a great interest in their settlement, and often visited it; and all the places in the neighbourhood have now regular German names.

I had another object in view, in my visit to the Continent in 1837, besides the one I have mentioned; it was to

organize a German Protestant Mission to the Aborigines of Australia at Moreton Bay. In this particular object I was successful; having been enabled, through the facilities which were then afforded by Lord Glenelg, as Secretary of State for the Colonies, for the establishment of Missions to the Aborigines, to make the requisite arrangements for carrying out two ordained Lutheran ministers, and twelve lay missionaries, of whom eight were married, from a Missionary Institution under the superintendence of the late Rev. Johannes Gossner, pastor of the Bohemian Church in Berlin, and for many years thereafter a zealous and active promoter of missions to the heathen. One of the ordained ministers was to have been settled at Hunter's River, as the pastor of the community of German vinedressers from Havre de Grace; but as the latter never arrived in the colony, they both proceeded to Moreton Bay, where this extensive mission was accordingly established on the Brook Kidron, about seven miles from the settlement of Brisbane, in the year 1838. I am sorry to add, however, that although the truly Christian men who formed this mission uniformly exerted a highly satisfactory influence on the surrounding district, they entirely failed, as all the other Australian missions in New South Wales have done successively, in making any permanent religious impression upon the Aborigines. The Government assistance to these missions was finally withdrawn during the administration of Sir George Gipps, and they were all thenceforth successively broken up. The lay missionaries of the German Mission, however, remained at the settlement they had formed, and continued to support themselves by their own industry.

It was a great blot upon the administration of Sir Richard Bourke, while it belied his own previous professions in practice, that he permitted his government to be identified in any way with the Convict Press of the colony; and his man Friday, Mr. Commissioner (afterwards Judge) Therry,

came out with anything but a clean reputation from that discreditable connexion. It will scarcely be supposed, from anything that appears in the preceding pages, that I entertain illiberal opinions on the subject. On the contrary, I hold that an emancipated convict should be relieved of all civil disabilities so as to stand in the eye of the law in precisely the same light as the free man. But I hold also that there are certain positions in society into which he ought not to intrude, certain offices which he ought not to be permitted to hold. I agree with Judge Bent in thinking that an emancipated convict lawyer, especially if he has been convicted of perjury or forgery, should not be permitted to practise in courts of law. I disagree with Governor Macquarie, in considering such persons, as I do, ineligible for the magistracy. I disapprove of their being employed as teachers of youth; and last, but not least, I consider it absolutely disgraceful to the rulers or the public of any country to allow a person of this description to be the editor of a newspaper or to write for the public press.

Conceiving, therefore, that the moral reformation of the colony was absolutely hopeless, while such an abomination was openly permitted to subsist by the Government and the public, and conceiving also that the press itself was the proper organ to vindicate its own character and dignity, I had no sooner established the weekly journal I have already alluded to, in the year 1835, than I published a series of articles in that journal to put down the intolerable nuisance of a Convict Press, by arraying public opinion against it, in default of that assistance which I had a right to expect from the Local Executive. The result of this effort was a prosecution for libel, in which I had the whole body of emancipists, who were then both numerous and wealthy, leagued against me; a prominent person of this class, of profligate habits, being the leader of the corps, and the treasurer of the fund which was raised by the body to

ruin me by due course of law; and the late Mr. Wentworth, and another of the ablest members of the colonial bar, being retained for the prosecution. On being called on to show cause before the three judges, sitting in banco, why a criminal prosecution should not be instituted against me, I addressed the court in a speech, the greater part of which, together with the article on which the prosecution was founded, will be found in Appendix, No. IV.; entering into the *rationale* of the case at considerable length, which I deemed it better to do myself than to entrust to a professional barrister. At the close of my address, which was delivered in a crowded Court, to a most attentive audience, I was complimented by one of the barristers who were present, but who told me at the same time, that I had mis-timed my speech, which he thought I ought to have reserved for the trial. I thought otherwise, however; for I foresaw that if public opinion should be declared in my favour, there would be no trial at all. And the result proved that I was not mistaken; for as the case had excited intense interest, and as I had completely succeeded in carrying the reputable portion of the public along with me, the worthy prosecutor and his emancipist friends deemed it expedient not to go on with the trial, although the judges had granted the rule for it; and the Convict Press of the colony was thenceforth annihilated. This was the last struggle in New South Wales between the two antagonistic principles that had been marshalling their forces against each other for the previous twenty-five years. From that period the emancipists, gradually diminishing both in numbers and in comparative wealth, have long since disappeared altogether, as a separate and organized body, from the face of society.

There was another important struggle, in which I deemed it expedient to engage, during the administration of Sir Richard Bourke, for the establishment of a moral ascendancy in New South Wales. A vile system of con-

cubinage had till then been extensively prevalent among both classes of colonial society, and public opinion was too feeble, and the influence of religion too little felt, to put it down. In these circumstances, I published in the weekly journal I have already referred to, a series of portraits of colonial delinquents of this description—some in prose and others in rhyme—which could be easily identified, and in which the powers of ridicule were invoked in aid of the cause of virtue. One of these (see Appendix, No. V.) led to certain legal proceedings, in which the nominal editor of the paper—who would not allow me to acknowledge the authorship of the article, as the judge before whom the matter at issue was to come sympathized with the offender, and was known to be perfectly rabid in the matter—was fined a hundred pounds, and to be imprisoned till it should be paid. The fine was paid *by the public* in a few hours, and notwithstanding its imposition, the system of colonial concubinage unquestionably sustained a heavy blow and great discouragement throughout the colony. In numerous instances, persons who had been living long in that exceptionable state got married—some, doubtless, from a sense of duty, and others, it may be, from the fear of exposure. In short, there are states of society in which the man who would honestly promote the moral welfare and advancement of his fellow-men, must lay his account with running considerable risks; for otherwise he will achieve no important victory.

The crowning act of Sir Richard Bourke's administration was the establishment of religious equality throughout the colony by the General Church Act of 1836. After submitting the measure to Lord Glenelg, who was the Principal Secretary of State for the Colonies, and obtaining his Lordship's cordial approval of it, it was passed by the Legislative Council of that year. The principle of the measure was that any minister of religion, to whatever church or religious denomination he might b

be entitled to a salary from the Public Treasury of from one to two hundred pounds a year, according as his congregation should consist of from one hundred to five hundred souls. This act continued in force till the year 1862, when an act prohibiting all future contributions from the State for the support of religion, but continuing their respective salaries to those who had previously held them, was passed by the Parliament of the Colony, and is now the law of the land. His Excellency's efforts in behalf of general education were equally zealous, but not so successful.

A census of the inhabitants of the colony was taken on two separate occasions during the government of Sir Richard Bourke—the first in the year 1833, when the total population amounted to 60,861; and the second in the year 1836, when it amounted to 77,096. The estimated population of the colony in December, 1837, was 85,267.

Our acquaintance with the physical conformation of the interior of the Australian continent was much extended during the government of Sir Richard Bourke. In consequence of an idea entertained by Major (afterwards Sir Thomas) Mitchell, the Surveyor-General of New South Wales, that an outlet existed for the waters of the interior to the north-westward, an expedition was fitted out for a journey of discovery in that direction, in the year 1831, immediately after General Darling left the colony; the petty jealousies which were unhappily allowed to influence the operations of the colonial government having previously precluded Major Mitchell from attempting to ascertain by actual examination the correctness of his conjecture. Major Mitchell's expedition, was unfortunate in its issue. A *dépôt* was formed in the course of the journey, at which a large portion of the provisions intended for the expedition was deposited under the charge of two convict servants: in the absence, however, of the rest of the party, the two men were speared by the natives, and the provisions either

carried off or destroyed. Major Mitchell was therefore obliged to return to the colony much sooner than he had expected, and without accomplishing the main object of his journey. Considerable light, however, was thrown on the geographical conformation of the Australian continent by this expedition. It was ascertained, for instance, that the dividing range, which separates the interior waters flowing ultimately in a northerly from those flowing ultimately in a southerly direction, was considerably farther to the northward than had previously been supposed; the rivers Gwydir and Dumaresq, or, as they were called by the natives, the *Kindur* and the *Karaula*, which Mr. Cunningham had discovered flowing in a north-westerly direction, having been ascertained to alter their course, and to flow afterwards to the southward and westward. It was, therefore, now beyond a doubt, that the river Darling was the common receptacle for the various streams that rise on the western declivity of the mountains that run parallel to the east coast of the continent—the Macquarie, the Castlereagh, the Peel, and the two rivers discovered by Mr. Cunningham; Major Mitchell's conjecture in regard to the northern waters still remaining to be verified by future discovery.

In the year 1835, Major Mitchell was directed by Sir Richard Bourke to proceed on an expedition of discovery to the western interior, to trace the Darling river, which had been discovered by Captain Sturt in the year 1828, and traced by that talented officer for about ninety miles in a southerly direction towards its unknown outlet. Captain Sturt, it will be recollected, had subsequently discovered the outlet of another river on nearly the same meridian, when sailing down the Murray river to the Lake Alexandrina, very far to the southward. It was now to be solved by Major Mitchell's expedition whether this river was the Darling.

Major Mitchell proceeded in a we

Boree, a grazing-station to the westward of the settlement of Bathurst, along the Bogan river, or New Year's Creek of Captain Sturt, till it emptied itself into the Darling. Along the whole course of the Bogan, he found moderately good land, with abundance of pasture for sheep and cattle, as well as of useful forest timber. The Darling he found impracticable for navigation in that part of its course; but he succeeded in tracing it for three hundred miles to the southward, from the point where it receives the waters of the Bogan; leaving only a hundred and thirty miles of its farther course, to the point where it was supposed to empty itself into the Murray, unexplored. The valley of the Darling is subject to inundations; and these, from the long course which the river pursues to the southward, and from its being the general receptacle of the western waters, are frequent and extensive. In general it is unpromising enough in its appearance; but as Major Mitchell discovered no fewer than thirty-two new varieties of grass in the course of his expedition, thirty of which were found in the valley of the Darling, it affords considerable facilities for the settlement and subsistence of a pastoral population. There is now a whole series of sheep and cattle stations, with a rapidly increasing population, on its banks.

In the year 1836, Major Mitchell was again directed by Sir Richard Bourke to proceed to the interior, to follow up the discoveries of his former journey, by tracing the Darling for the remainder of its course, and afterwards to explore the Murray river on his return to the colony. Having accordingly struck across the country by a different route from the one he had pursued in his former expedition, and formed an encampment near the junction of the Murray and Murrumbidgee rivers, Major Mitchell succeeded in tracing the Darling for the hundred and thirty miles of its course which he had previously left unexplored, and thereby verified the conjecture of Captain Sturt, by identifying the

river which that intelligent explorer had found emptying itself into the Murray in the year 1831, with the stream which he had discovered so far to the northward in 1828.

In the second part of his journey, when tracing the Murray towards its source in the south-eastern angle of the continent of Australia, Major Mitchell discovered a splendid tract of country, to which he gave the name of Australia Felix, and which now constitutes the colony of Victoria—a tract of country equal in extent to the whole island of Great Britain, fascinating in its general aspect, traversed by numerous perennial streams, and equally adapted to agricultural and pastoral pursuits.

It cannot be denied, however, that Sir Thomas Mitchell, who received the honour of knighthood for this discovery, must be content to share the honour of having discovered and made known the extraordinary capabilities of this highly eligible tract of country, with certain other and less distinguished explorers. Not to mention the important and unrewarded expedition of Messrs. Hovell and Hume, who discovered and crossed the three rivers whose united waters form the Murray,—the Hume, the Ovens, and the Goulburn,—and who also discovered and traversed the intervening tract of rich pastoral country between the Goulburn river and the present site of Melbourne; the late Mr. Batman, a native of Parramatta, in New South Wales, then residing in Tasmania, had crossed over from that island to Port Phillip, in the year 1834, in search of pasture on the mainland for the surplus stock of the island, and had discovered the open pastoral country, of which the tract subsequently discovered by Sir Thomas Mitchell was merely a continuation, for many miles to the westward, both of Melbourne and Geelong. Numerous adventurers from Tasmania had accordingly crossed over to Port Phillip with their flocks and herds in the year 1835; so that before Sir Thomas reached Australia Felix at all, there were actually

persons from Tasmania with 30,000 sheep and numerous cattle and horses, actually settled to the westward of Melbourne and Geelong. I happened to be in Tasmania myself in November, 1835, and found both ends of the island ringing with the tidings of the splendid discoveries on the opposite coast, the noble tracts of country that had been traversed to the westward of Geelong, and the numerous Joint Stock Companies that had been actually formed in the island to acquire landed property in the newly discovered country, and to occupy it extensively with sheep and cattle. For certain learned lawyers, whose cupidity had got the better of their judgment, had actually drawn up regular parchment deeds, which were duly signed, sealed, and delivered, whereby it was pretended that millions of acres of the richest land in Port Phillip had been conveyed to them by the black natives for a few blankets, a few knives and hatchets, and a few hundredweights of flour. All the European Governments in modern times that have formed colonies among uncivilized tribes, have uniformly regarded the Aborigines of the countries they have thus colonized as in a state of pupillage, or as wards in Chancery, and have refused to recognize any alleged bargains of this kind between the natives and their own subjects; and the Americans of the United States have wisely followed the example. It was not likely, therefore, that so acute a lawyer as Sir Richard Bourke would permit such claims to be recognized within the bounds of his government, although, as was alleged at the time, they had been connived at and supported by the Governor of Tasmania. On a reference to the Secretary of State, the respective purchasers from the natives were allowed—in land to be purchased from the Government by public auction—the full value of the various articles which they had given in barter to the natives, to the amount, at their own estimate, of 7000*l.*; and Port Phillip was accordingly taken possession of by Sir Richard,

as a dependency of New South Wales, and a regular Government establishment was formed in the month of October, 1836. It is now, since the 1st of July, 1851, a separate and distinct colony, with a population of upwards of seven hundred thousand souls, while its capital, Melbourne, which by the census of 1851, had 23,143 inhabitants, has now a population of upwards of 130,000 souls. With the exception of San Francisco and Chicago, of which the origin and history are remarkably exceptional, there is no city, even in the United States, which has ever accumulated so large a population in so short a time.

So early in the administration of Sir Richard Bourke as the year 1832, the Right Honourable Spring Rice, afterwards Lord Monteagle, who was then Secretary of State for the Colonies, directed Sir Richard Bourke to place upon the estimates of the Colony for the year 1833, the sum of 500*l.*, as a salary for a British resident in New Zealand—an office which was long held by the late James Busby, Esq., and was regularly borne upon the Treasury of New South Wales till New Zealand became a separate and independent colony in the year 1841. The circumstance was loudly complained of at the time by the liberal portion of the community, and it never failed to excite the utmost indignation, as being the badge of a degrading servitude for the whole Colony under the autocrat in Downing Street, at all the public meetings that were held from time to time in the Colony during the government of Sir Richard Bourke, to petition the Imperial Government for free institutions and a Representative Legislature. But, chiefly through the opposing influences that were brought to bear against the measure in the Colony itself, this boon or concession was not granted by the Imperial Government even in a modified form, till ten years thereafter, in 1842, during the administration of His Excellency, Sir George Gipps.

CHAPTER X.

STATE AND PROGRESS OF THE COLONY DURING THE
GOVERNMENT OF SIR GEORGE GIPPS.

Impiger, iracundus, inexorabilis, acer.—HOR.

IF the Governors of New South Wales, from and after the period of Governor Macquarie, are in comparison with their predecessors of the *Primitive* and *Secondary* formations, to be considered as the *Transition Series* of that colony, the first two of this series—viz. Sir Thomas Brisbane and Sir Ralph Darling—may be referred to the *Eocene* period in which the number of free emigrants, as compared with the convict and emancipated convict classes of the colony, was comparatively small ;

— rari nantes in gurgite vasto.

To continue the metaphor, the period of Sir Richard Bourke's government may be regarded as the *Miocene* period, during which the proportion of free emigrants, although they had not yet obtained the preponderance, had greatly increased ; but the government of Sir George Gipps, with that of his successors, Sir Charles Fitzroy and Sir William Denison, may be regarded as the *Pliocene* period, during which the free emigrant and native born colonists vastly outnumbered the other classes, and in which all the more prominent traces of the convict origin of the colony disappeared.

The ninth Governor of New South Wales was Sir George Gipps, who entered upon his office on the 24th of February, 1838 ; the government having been administered

during the *interregnum* that ensued on the departure of Sir Richard Bourke on the 5th of December, 1837, by Colonel Snodgrass—a son of the late Rev. Dr. Snodgrass, one of the ministers of Paisley, and the hero of St. Sebastian, in Spain—as Lieutenant-Governor.

Sir George Gipps was, of course, a military man. Where, indeed, is the talent for governing men so likely to be found as in those services—the army and navy—in which men, not excluding even those in authority, are governed into mere machines, and not unfrequently denuded in the process of some at least of the nobler attributes of humanity? He had attained the rank of Captain in the Engineers, when he became private Secretary to Lord Auckland; and through that interest, seconded by his own undoubted ability, he had been appointed one of the Three Commissioners who were sent out to investigate the affairs of Canada, previous to the Canadian outbreak of 1837.

Sir George Gipps had evidently received a superior education; on which he had diligently superinduced a large stock of valuable general knowledge. Confessedly superior, both in intellect and acquirements to the generality of mankind, he had a keen perception of what was right both in argument and in conduct, together with a nervous style and a ready elocution; and his powers of sarcasm, as a public speaker, were of no mean order. In short, among the old wives of the old Nominee Council that continued to drag on a sort of vegetative life during the first five years of his administration, Sir George Gipps was—like Saul among the people—higher than all of them from the shoulders upwards. At the same time, he was a subject of general complaint that he was repulsive in his manners, arbitrary in his conduct, overbearing in his demeanour. His moral character was somewhat obtuse; and he was remarkably de-

finer feelings and relentings of humanity. His inferiors regarded him rather with fear than with respect and reverence; and while he succeeded in making many enemies, I am not aware that he made any friends.

With all his acknowledged mental qualities, Sir George Gipps was of an essentially narrow and diminutive mind—incapable of enlarged and comprehensive views either of the nature and requirements of his own position, or of the interests of those whom he had been commissioned to govern. In matters of government, he was a man of but one idea, and, unfortunately for the colony, that idea was an egregiously wrong one.

The leading maxim of Sir George Gipps—the grand secret indeed of his government—was, that it is the first duty and the chief praise of a governor to transfer the money of the people, as largely as possible, into the Public Treasury. He seems to have regarded the colony as a sort of milch cow, of which all the milk that could be extracted from her, whether by coaxing or by cudgelling, was to be poured into the Government pail. And if it had been urged, as a reason for sparing the cow, "In that case you will starve the calf," he would have replied—using a favourite, although rather inelegant, but sufficiently characteristic, phrase of his own—"He did not care five *farthings* for the calf, provided the cow could only be made to give him her milk."

The discovery of a splendid tract of available country in the district of Port Phillip, towards the close of the administration of Sir Richard Bourke, had excited a strong spirit of emigration to the colony generally, and especially to that part of it, in the mother country; for it must be borne in mind that, until the month of July, 1851, Port Phillip was merely a portion of New South Wales. Numerous emigrants of a superior class in society emigrated to the colony, to settle as stockholders, agriculturists, and

merchants, carrying out with them a comparatively large amount of British capital ; and as emigration at the public expense was in the meantime pursued on a large scale, in consequence of the increased productiveness of the land fund, and the increasing demand for labour, the general population was doubled by means of immigration exclusively, within a very few years.

In such circumstances—with numerous respectable families from the mother country arriving in the colony, and many of them living in tents till they could obtain land to settle on, or town allotments on which to erect dwelling-houses or stores—it was obviously the bounden duty of the Local Government to facilitate the settlement of these families, by enabling them to obtain suitable land for cultivation, and town allotments of sufficient extent for their respective purposes, at a reasonable rate, and without delay ; for nothing can be of greater importance to the welfare and advancement of a colony than the speedy and comfortable settlement of respectable, virtuous, and industrious families and individuals in its territory. But in order, I presume, to fill the Government Treasury, and thereby to excite the wonderment and secure the applause of ignorant and misjudging people, including the great autocrat of all the colonies himself, Sir George Gipps adopted a policy, in regard to the disposal of waste land and town allotments, as heartless on the one hand as it proved short-sighted and suicidal on the other. For, as if the Government itself had been one of the class which its own impolitic measures speedily called into existence,—a mere land-shark,—every petty and contemptible expedient was forthwith employed, to give a fictitious value to the land and building allotments which the Government had to sell, and to cozen the unfortunate emigrants out of their money.

The first expedient employed for this purpose was to throw into the market only a small quantity of land and

town allotments in proportion to the well-known demand. By this means, the unfortunate emigrants, who were necessitated to obtain land or building allotments at any cost, were virtually compelled to bid against each other, till the price of both reached an enormous amount; while the Governor and his man *Friday*, the superintendent of Port Phillip,¹ doubtless laughed outright at the success of their *artful dodge*. But the emigrants were in the mean time crippled in their means, involved in debt, and in many instances eventually ruined, while millions of acres of the richest land around them were lying utterly waste! Mr. Richard Howitt, a member of a well-known literary Quaker family in the city of Norwich, who went out to settle among the first emigrants to Port Phillip, but who left the country in disgust after a few years' trial, on finding that he had been all but ruined, in the very midst of all the elements of plenty and prosperity, through the absurd policy of the Local Government in regard to the disposal of waste lands, published a work, in which he details his own bitter experience on the subject, and in which the reader will find that these statements are by no means exaggerated.²

Another expedient of the policy of Sir George Gipps was to place a high upset price upon all town allotments—I do not mean in towns already formed and well inhabited, in which case the practice was undoubtedly right and proper,³ but in towns which existed at the time

¹ Charles Joseph Latrobe, Esq., Lieutenant-Governor of Port Phillip, while it continued to be a part of New South Wales. At a public meeting in Melbourne, this gentleman modestly described himself as a person whose highest ambition it was to play "second fiddle" to Sir George Gipps. At all events, he was quite incapable of playing a first fiddle anywhere, and especially where he was.

² *First Impressions of Australia Felix*. By Richard Howitt.

³ For instance, the upset price for land in the city of Sydney has

only on the map, or were merely in the first stages of their existence. For example, 300*l.* an acre was the upset price, almost from the very first, for town allotments in Melbourne and Geelong, in the district of Port Phillip. The evil consequences of this injudicious policy, in addition to the serious evil of crippling the emigrants, by draining them of their available means, were twofold; 1st. The allotments actually purchased in these towns were, in numerous instances, cut up, by the calculating speculator who purchased them, into insignificant fragments, to be resold to a humbler class of purchasers at an exorbitant profit; and numerous narrow lanes and *culs de sac* were thus formed, in which the labouring population, by whom the buildings erected on these fragmentary allotments were chiefly inhabited, were very soon almost as densely crowded together as in some of the largest capital cities or manufacturing towns of Europe—an arrangement which, in a comparatively warm climate like that of New South Wales, constitutes a perfect nursery of fever, and other forms of contagious or epidemical disease. 2ndly. Knowing people bought large suburban allotments, which they obtained at a comparatively low price—at 2*l.* or 5*l.* an acre—beyond the limits of Sir George Gipps' towns; and cutting them up into half-acre or quarter-acre allotments, immediately advertised other towns, as rivals to the Governor's, in their immediate neighbourhood. Hence it is that all the principal towns, of the era of the government of Sir George Gipps, from Geelong and Portland, in latitude 38° south, to Brisbane and Ipswich, in the Moreton Bay country, in latitude 27° south, resemble respectively so many hens and chickens, each

long been 1000*l.* an acre; but nobody thinks this too much, as the comparatively dense population of the city has given an extraordinary value to all building-ground either in or near it.

consisting of a larger town in the centre, with a number of smaller ones all round it. In this way, the peculiar advantages of towns—the concentration of the population within a reasonable space, and the consequent ability of the inhabitants to provide for themselves all the requisite public improvements at a comparatively trifling cost—are lost on the one hand, while all the disadvantages of the country—distance and discomfort—are entailed upon the community on the other.⁴

In those colonial towns, moreover, that owe their origin to Sir George Gipps, there is no public square to be found, whether for the ornament of the place, or for the health or recreation of the people. The great continental island of Australia, it seems, was too small, in his Excellency's estimation, for such reservations for public purposes, so long as the ground could be cut up into town allotments, and sold by public auction for the benefit of the Treasury!

⁴ The English reader may perhaps consider this a very small and unimportant matter on which to found an objection to the policy of any Governor, or representative of Majesty in the Colonies; but it is a very important matter to the colonial community after all. For example, a minister of religion of any communion, a medical man, or even a lawyer, will be able to extend his services over three times the number of people in a compact little town, compared with the number to which he could do duty in any of these departments of professional labour, in a number of insignificant little villages, situated at considerable distances from each other. In the former case, therefore, the people will be better supplied in all these particulars, and at a comparatively small cost to themselves; while the comfort of the community and the interests of morality and religion will be correspondingly advanced. The reader can easily pursue the idea in the article of procuring a supply of water for a compact little town, in that of securing good streets or roads, and in that of lighting it at the public expense. How are such things as these to be accomplished in a number of insignificant little villages? The fact is, nobody thinks of them in such places, and the community sustains the loss.

Ancient history informs us that, when Cyrus, King of Persia, was preparing to subjugate the Ionian Greek cities of Asia Minor, certain Lacedæmonian envoys, whose influence the Ionian cities had solicited on the occasion, endeavoured to dissuade him from his purpose by threatening him, in the event of his persisting, with the high displeasure of their powerful State. Cyrus, it seems, had asked some Greek refugees at his Court who the Lacedæmonians were, and what sort of government they had; and having thus obtained some insight into the nature and workings of popular government, he told the envoys in reply—alluding of course to their popular assemblies, which were then held in public squares—"That he never should fear men who had a square in the midst of their city, in which they met together to practise mutual falsehood and deception; and that, if he continued to enjoy the blessings of health, he hoped to afford the Spartans more domestic reasons of complaint, than his military preparations against the Greeks of Asia."* Whether Sir George Gipps had a similar reason for his dislike to squares in Australian towns I cannot tell; but the fact is certain, and it is only the more remarkable, as, not to mention the practice in England, he had visited both Portuguese or Spanish, and American cities, in which it is universal. The *Largo da Santa Anna*, in Rio de Janeiro, and *Washington Square*, in Philadelphia, are noble reservations for the health and comfort of the inhabitants of these cities; and reservations of a similar kind are surely equally desirable in the warm climate of New South Wales. The inhabitants of Sydney are indebted for the reservation of *Hyde Park*, in their city, to Governor Macquarie, and the officers and soldiers of the 73rd Regiment, who cleared the land for it. Had Sir George Gipps had that land to work upon, he would most certainly

* History of Greece. By John Gillies, LL.D., i. 327.

have cut it up into town allotments, and sold them for the benefit of the Treasury.

The extensive emigration which had taken place to New South Wales during the first four years of the administration of Sir George Gipps, was attended with an extraordinary influx of British capital, in addition to the large amounts that had been carried out individually by the more respectable class of emigrants. The Bank of New South Wales, the first establishment of the kind in the colony, had been formed in the year 1816, during the administration of Governor Macquarie; and the Bank of Australia, under that of General Darling, in the year 1826. These establishments had been found sufficient for the monetary purposes of the colony for eight or nine years thereafter; but, in the years 1836 and 1839, there had been added to them two Mammoth Banks, as they were called, with a comparatively unlimited amount of capital from England,—the Bank of Australasia, and the Union Bank of Australia; and two other Colonial Banks—the Sydney Bank and the Commercial Bank—started up simultaneously, to divide the spoil.

In addition to the extraordinary facilities for obtaining the use of money, or, in plain English, for getting into debt, which were thus held forth to the speculating colonists, three other companies, of a somewhat similar kind, commenced operations under their respective colonial agencies, with a vast amount of British capital,—the Loan Company, the Trust Company, and the Aberdeen Loan Company,—all of which were to make the fortunes of their constituents, by lending money at a high interest—on the best security, of course—in New South Wales.

The Local Government were, at this period, in the habit of depositing the large amounts that accrued from the land sales in the different banks of the colony, and charging interest on these deposits at the rate of four per cent. ; but

Sir George Gipps, speculating doubtless on the soundness and permanence of the wonderful prosperity which the colony was exhibiting under this extraordinary influx of capital, and desiring to secure the largest possible share of that prosperity for the State, insisted upon having either seven, or seven and a half per cent. in future, as the interest on the Government balances in the banks; and as these establishments were now working against each other, his imperious mandate had to be obeyed, under the penalty of a withdrawal of the Government funds from the refractory establishment. To enable them to pay this high interest, and to make a large profit besides, the banks had to enlarge their discounts, and to take security for their advances, in the descending scales of *Best*, *Better*, and *Good*, till they crossed the line of safety, and included a great many which had not even the positive degree of this commercial quality to recommend them, but which were notoriously *Bad*, *Worse*, and *Worst*.

With these extraordinary facilities for all sorts of monetary operations, the rage for speculation, not only in land and town allotments, but in sheep, cattle, and horses, reached a much greater height than it had ever done even during the *sheep and cattle mania* of the era of Sir Ralph Darling; and the most unbounded extravagance of living was in many instances the natural accompaniment of so unnatural a state of things. Everybody bought land and town allotments, or sheep, cattle, and horses, at enormous prices; adopting at the same time a scale of domestic expenditure proportioned to the profits they expected to realize, and giving their promissory notes for due payment to the banks, or mortgaging their houses and lands to one or other of the Loan and Trust Companies for sums not unfrequently far beyond their real value. One mercantile house in Sydney, which, of course, fell when the storm came—and great was the fall of it—had purchased land on

speculation at Port Phillip to the extent of upwards of 100,000*l.*; and a property which was mortgaged to one of the companies for 10,000*l.*, and which afterwards fell into the hands of the Company, realized to its proprietors not more than 100*l.* a year.

The upshot of all this might have been foreseen, and was experienced at length in full force. The purchase of Government land and town allotments declined apace, and then ceased entirely. The obligations to the banks and the other lending companies, as well as to private individuals, fell due; and land and stock, and other property of all kinds, were forced upon a falling market to meet them. These articles of property consequently declined rapidly in value; falling as far below the average of former years, as they had been unnaturally raised above it: and all but universal bankruptcy ensued. A flock of sheep was actually sold by the sheriff at this period in satisfaction of a comparatively small debt, for sixpence per head; while another flock, the property of one of the oldest merchants in the colony, was purchased at so low a price (one shilling and sixpence per head), that within two months after the sale, which took place in the month of September, just before shearing time, the fortunate purchaser realized upwards of 250*l.* more than the whole amount of his purchase-money from the wool alone, the flock being worth, in ordinary seasons, from 9000*l.* to 10,000*l.* In another similar case, cattle, which had been bought at six guineas a head, were sold at seven shillings and sixpence; and horses, that cost sixty guineas, the produce of Persian and Arab steeds, brought only seventeen or eighteen shillings; while a house in Sydney, for which 5000*l.* had been offered and refused very shortly before, was sold for 1200*l.*; and sugar, which had been shipped at Manilla at 15*l.* per ton, sold in Sydney for 10*l.* Carriages of all kinds, which had previously been numerous both in town and country, beyond all European

proportion to the population, experienced a still more remarkable reduction. A first-rate curricie, quite new, which had cost 140*l.*, sold for 3*l.*, and numerous costly equipages, which it was now discovered were no longer needed, fell into the hands of the respective coachmen and grooms, who forthwith started them as *Hackney coaches* in the city of Sydney—a form of industry previously unknown in the colony—and managed to earn an honest livelihood for themselves ; occasionally taking up their “old masters,” *when they were able to pay them a fare.*

In the meantime numerous papers were published in the colonial journals, and numerous speeches were delivered at public meetings, explanatory of the causes of the “present monetary crisis,” as it was courteously termed, and assigning for it every cause but the right one : viz. the gross delusion into which the whole community had simultaneously fallen, in supposing that the real and permanent wealth either of individuals or of the colony generally, could be greatly increased by any other means than by patient and persevering industry and economy. It was a favourite idea of the period to ascribe the monetary crisis to the high price of land, of which the *minimum* price had been raised by Act of Parliament, in the year 1842, from twelve shillings an acre, at which it had been permitted to stand for a short time before, to one pound, which has ever since been the minimum price of the colony. This, it was alleged, had stopped the purchase of land, and thereby ruined the colony by putting a stop to immigration. But the fact was—and it was too well-known to be doubted by any person who was not either wilfully blind to it, or merely desirous of finding an excuse for his own past folly—the evil had all been done before the price of land was raised : for so completely had the colony been drained of its funds by the enormous purchases of land from the Government before that event, that, I am confident, not one acre more would

have been purchased at this period, had the former *minimum* been continued. With a view, therefore, to open the eyes of the colonists generally to their own folly and madness, and to guard them against a similar catastrophe in future, I published in the Colonial Journal, to which I have already referred, in the months of April and May, 1843—that is, during the very midst of the crisis, and immediately before the assembling of the first Semi-Representative Legislative Council in the colony—the two papers under the title of “The Present Monetary Crisis,” which the reader will find in Appendix, No. VI. They were much noticed at the time, and did considerable service both in New South Wales and Port Phillip, where they were generally acknowledged by intelligent and candid persons, as a faithful and striking portraiture of the two principal classes—the merchants and the settlers—who had involved both themselves and the colony in one general ruin. The papers in question detail the supposed examination of a member of each of these classes before a supposed Select Committee of the then forthcoming Legislative Council.

The “Burton Purge,” referred to in these papers, was a New Insolvent Law, which had been passed by the Nominee Legislative Council, during the previous year, on the recommendation of Mr. Justice Burton, one of the puisné judges of the colony, afterwards Sir W. Burton, Chief Justice at Madras, and subsequently President of the Legislative Council of New South Wales under Responsible Government. Its peculiarity, as compared with previous enactments on the subject, consisted in its virtually smoothing the way for unprincipled insolvents, and facilitating the process of general bankruptcy. For so general did the practice of “filing a schedule” become, under the mild operation of the Judge’s specific, that it ceased at length to be any disgrace, because it had ceased to be any distinction. Indeed so extensive was the insolvency of this period, the

it was calculated, by the ablest financiers of the colony, that a sum amounting to at least 10*l.* per head for every man, woman, and child in the colony, that is, from a million and a half to two millions sterling, was lost to the English and colonial creditors through this all but universal crash. And that which rendered the catastrophe the more remarkable was that the seasons had been unusually good, while the real wealth of the colony, its flocks and herds, was increasing rapidly, and all the necessities of life were cheap and abundant. In short, the calamity was in no respect attributable to the act of God: it had resulted entirely from the folly and cupidity of man.

There was a fearful want of moral principle developed, in the disclosures of this period, among the would-be aristocracy of the colony. The shareholders in banks and other public companies had, in numerous instances, been regularly robbed of their money by their managers and directors, who had covertly appropriated the funds of these institutions for their own private purposes, or for those of their friends. The fall of the Bank of Australia—the second of the colonial banks in point of date, but the first that fell—took place in the early part of the year 1843. It had long been considered the aristocratic bank of the colony, and the circumstances of its failure, which, however, it is unnecessary to detail, were exceedingly disgraceful.

Amid the disasters of this period, however, there was a remarkable illustration of the adage that “Necessity is the mother of Invention,” in a discovery of no unimportant bearing on the subsequent fortunes of the colony. Henry O’Brien, Esq., J.P. of Yass, an old colonist, and an extensive proprietor of flocks and herds, finding that sheep and cattle were so depreciated in value as to be almost valueless, and knowing that in certain other countries in which these descriptions of stock were in great numbers, they were not unfrequently killed for the hides and tallow exclusively,

bethought himself of making the experiment of boiling down the entire carcasses of a few sheep for the extraction of the tallow. The experiment succeeded to his utmost expectations, and it was thenceforth ascertained, to the great relief and satisfaction of the proprietors of sheep in particular, that, even in the most unfavourable times, these animals would in future be worth for their tallow alone five shillings per head. Since that period, numerous boiling-down establishments, as they were called, were formed all over the colony for the extraction of the tallow for the London market, from the carcasses of myriads of sheep and cattle which the population of the country was much too small to consume.

Towards the close of the year 1841, Sir George Gipps had addressed a "confidential" letter to Lord John Russell, who was then Secretary of State for the Colonies, informing his Lordship of the disastrous state of things which had occurred in the colony after the three or four previous years of extraordinary prosperity, stating, at the same time, his own opinion as to its cause and origin. Lord John, however, expressed a somewhat different opinion on the subject, and administered the following severe, but not unmerited, censure upon His Excellency's procedure:—

"He could not," says his Lordship, "receive the report of occurrences so disastrous without adverting to the question, whether the government of His Excellency might not be in some sense responsible for those evils, however far beyond its power the correction of them might be. With regret he expressed an opinion that there was too much cause for such a misgiving." The same mail which brought to New South Wales, and the over-trading and ill-advised system of credit to which it was ascribed, had also brought the Governor's despatch of the 31st January, 1841, on the subject of bounties on immigration. "From this despatch

he learned that the Governor had given Orders for Bounty, payable in two years, for no less a sum than 979,562*l*. This was a fact which had arrested his most serious attention, and which he could not regard without deep anxiety. . . . On the part of Her Majesty's Government, he felt bound to disclaim any responsibility for this proceeding, and any obligation to rectify the engagements of the Colonial Government to the extent to which they had been entered into. . . . He was aware that the Governor expected a very large proportion of these Orders to be ineffectual, because it would be impossible to execute them within the prescribed period of two years. So far, however, was he from regarding this fact as a defence of so extraordinary an over-issue of these Orders, that he considered it as greatly augmenting the improvidence of the measure. . . . It appeared that at the moment of the commercial embarrassment to which he had referred, there were afloat in the market Bounty-orders amounting to nearly a million sterling, the whole of which it was but too probable the Colonial Treasury might be called upon to redeem. . . . He would now lay upon the Governor the most distinct and peremptory instructions that he would abstain for the future from issuing any Bounty-orders exceeding the net amount of the land-revenue clearly applicable for that purpose during the next succeeding year."

When Sir George Gipps found at length that all his notable expedients to fill the public treasury had failed, and that he had actually killed the goose that laid the golden egg, he bethought himself of a new way of "raising the wind," at the expense of a class of the colonists who are technically called the *Squatters*. *Squatting*, as it is practised in New South Wales, had its origin during the government of Sir Richard Bourke. As practised, however, in that colony, it is totally different from what is known by the same name in America. The American

squatter is a backwoodsman, who travels westward, in the van of advancing civilization, with his axe on his shoulder, and his wife and children, if he happens to be married, and all his other property, on a dray or light cart. On finding an eligible spot in the wilderness, he halts for a time ; and then building a log-house, clearing, fencing, and cultivating a few acres of land, he embraces the first opportunity of selling his "betterments," as he calls them, that is his improvements, together with the right of pre-emption to which they entitle him, to some *bond fide* settler from the Eastern States, from the Old Country, or from Germany, who takes a fancy to the spot ; and he then shoulders his axe again, replaces his wife and children and other property in the light cart or dray, and moves farther West to repeat the process. But the New South Wales squatter is a gentleman, it may be, of birth and education ; who goes into the great Australian wilderness, with his flocks and herds and stockmen and shepherds, and erects a temporary house, generally of large sheets of bark in the first instance, in the first eligible and unoccupied tract of pastoral country which he finds ; and he there lives, like one of the ancient patriarchs, depending for his present subsistence on the wool of his flocks, and for his future fortune on their rapid increase. For as New South Wales is a comparatively open country, while its forest timber is rarely deciduous, it differs entirely from the American forest, in presenting an unlimited extent of pasture in its natural state.

In dealing with this important class of the colonial population, Sir Richard Bourke considered the natural pasture beyond the boundaries as a *common*, open equally to all colonists who chose to make use of it for the depasturing of their flocks and herds, so long as it was not required for the purposes of permanent settlement. And when requested to legislate for the squatters, which he was very

unwilling to do, he merely imposed a yearly licence fee of ten pounds each for liberty to squat, so as to enable the Government to exclude improper or suspicious persons from the privilege; to which there was subsequently added, at the instance of the squatters themselves, a small tax of so much per head on all horses, sheep, and cattle, to provide for the establishment and support of a border police for the squatting districts. But as the revenue from these sources proved considerably larger than was necessary for the purpose for which it was professedly collected, Sir George Gipps thought the squatters could bear a considerable addition to their public burdens; so as to enable him to raise a revenue from squatting for the purposes of immigration, as the revenue from the sale of land had entirely failed. In the capacity, therefore, of Queen's Bailiff, forsooth, or Ranger of the Royal Domain, he issued a proclamation establishing certain regulations, in virtue of which the squatters were required, over and above the licence fee and the assessment on stock, to make certain periodical payments, in the form of compulsory purchases of land at the minimum price, for and in consideration of the privilege of squatting; or, in other words, in which he imposed upon them an odious and oppressive tax without the authority or concurrence of the Legislature.

"Nothing," observes an able writer, "is more inventive than the genius of oppression. Valentinian obliged his subjects to pay for the air they breathed. In Louis the Fourteenth's time, *the peasant was compelled to purchase an article he did not want, to increase the revenue of the Sovereign.*"⁶ Now, this was exactly the character of the peculiarly arbitrary and oppressive measure proposed, and attempted to be enforced, by Sir George Gipps. The squatter, or occupant of land in Australia, was quite will-

⁶ Westminster Review, for March, 1845.

ing to pay his licence fee and his assessment on stock ; but Sir George insisted that he should also *purchase*, periodically, at the Government minimum price of one pound per acre, three hundred and twenty acres of land—an *article he did not want*—to raise a revenue for immigration, in lieu of the revenue legitimately available for that purpose, which had utterly failed, through a system of monstrous misgovernment for which His Excellency was himself alone responsible, and which had spread ruin far and wide over the land.

A measure of this kind was likely to occasion a prodigious outcry, as it did accordingly, among the squatters and their friends. Viewing the matter as it regarded the liberties of the country generally, I published a series of articles on the subject, showing that His Excellency had assumed precisely the same unconstitutional power as that against which the patriot Hampden so nobly protested, and the exercise of which brought Charles the First to the block—that of imposing taxes upon the people without the authority of Parliament ; that the attempt to represent the tax as a mere periodical purchase of land, was an artifice which ought not to blind the eyes of the colony to its real nature ; and that the colonists of all classes ought to make common cause with the squatters in resisting a measure so unconstitutional and oppressive.

When questions of this kind are injudiciously raised by a Government, they uniformly give rise to demands which would not otherwise have been urged or thought of. If Sir Richard Bourke's squatting system had only been let alone, the squatters would have been contented with their yearly licences, and no impediment would have been placed in the way of the permanent occupation of any portion of their *Runs* for agricultural purposes, whenever a purchaser for such purposes should appear. But the injudicious procedure of Sir George Gipps, in attempting to subject

squatters to a species of indefinite taxation, virtually compelled them to band together for the attainment of certain objects which were utterly inconsistent with the real interests and advancement of the colony. These objects were, 1st, regular leases of their squatting stations; 2nd, fixity of tenure; and 3rd, rights of pre-emption: and I am sorry to add that, in the year 1846, immediately after the Whig ministry had got into power, and when it was impossible for Earl Grey, as the Head of the Colonial Office to have learned the real state of the case, an Act of Parliament was passed, at the instance of the squatters and their friends and supporters in England, embodying the whole of these concessions, to the unspeakable injury of all future emigrants from the Mother Country, as well as of the great majority of the actual colonists—whose voice was never heard in the matter, and whose interests were entirely disregarded. But this enormous wrong—this notorious manifestation of imperial ignorance and presumption in legislating about matters which cannot possibly be understood in England, and which involves the interests and materially affects the prospects of whole communities at the ends of the earth—is only a specimen of what the Australian Colonies had to suffer from Downing Street domination all along (as I shall have occasion to show in the sequel, from a still more important instance), whether Whigs or Tories were in power in the Mother Country, till the final establishment of Responsible Government for the colonies.

I arrived in England on my sixth voyage from New South Wales in December, 1846, only a few months after this famous Act had received the Royal Assent, but before certain Orders in Council, which were to be appended to it, and to have the full force of the Act, had been finally decided upon by the Commissioners of Land and Emigration, to whom it had been referred for the purpose. On presenting myself at the Colonial Office as one of the

members of the Legislative Council of New South Wales, for the district of Port Phillip (now the great Colony of Victoria), for the four previous years, Mr. Benjamin Hawes, the Under Secretary of State for the Colonies, informed me that Earl Grey, who was then Principal Secretary, would willingly receive any suggestion on the subject of the Orders in Council from any competent person from the Colonies, and invited me to offer any such suggestion for the information of his Lordship and the Commissioners.

I accordingly addressed a letter to Earl Grey, making such suggestions for embodiment in the Orders in Council to be appended to the Squatting Act, as I conceived would, in so far at least, prevent its interference with the progress of colonization in Australia. As a public writer in the colony, who had been doing his utmost to prevent the squatters from being subjected to indefinite taxation, under the mere authority of the Governor, I could not be supposed to have any hostile feeling towards that important section of the colonial population; but as a well-wisher of the colony, as well as of the myriads of the virtuous and industrious population of the working classes of the mother-country, for whom it presented so highly eligible a field, I could not but perceive that the Act, as it then stood, would operate as a *heavy blow and great discouragement* to the rapid settlement of the country with a numerous, industrious, and virtuous population from Great Britain and Ireland. For it must be evident, even to the most untravelled reader, that this rapid settlement of the colony cannot possibly be the interest of the squatters; as it tends to dispossess them of their *Stations*, and to abridge their *Runs*. Here, therefore, the squatters on the one hand, and the rest of the colony on the other, were directly at issue. Nay, it is questionable whether even those ancient squatters—Abraham, Isaac, and Jacob—would have liked their noble sheep and

in the land of Canaan, to have been occupied, for agricultural purposes, even by the finest peasantry of their age, from Egypt or elsewhere. It is contrary to all the well-known principles and feelings of human nature to suppose that they would; and hence the absurdity, as well as the suicidal policy, of allowing so deeply interested a class as the squatters to legislate for the whole colony, as they were virtually permitted to do in the Act in question.

In my letter to Earl Grey I had stated that although Australia was remarkably destitute of navigable rivers, and facilities for inland navigation, it was not so absolutely; there being important exceptions to that general rule. For, independently of the Murray River and its confluent, there is a considerable extent of water available for inland navigation, both in lakes and rivers, in Gippsland, at the south-eastern angle of the continent. From Sydney, also, to the Tropic of Capricorn, that is for ten degrees of latitude, or nearly seven hundred English miles along the east coast, there are not fewer than twelve rivers, all available, to a certain extent, for steam navigation; on one of which, the Richmond River, in latitude $28\frac{1}{2}^{\circ}$ south, and on its principal tributaries, there are not fewer than three hundred miles of navigable water. Now I suggested that a clause should be inserted in the Orders in Council, exempting all land within four miles of navigable water from the operation of the Squatting Act. A measure of this kind would have encouraged and promoted the settlement of an agricultural population in those very localities in which the land, while unsuitable for squatting purposes, is usually best adapted for cultivation, and in which the facilities for steam navigation render the settlement of such a population highly desirable.

But the Emigration and Land Commissioners, refining upon my idea, as they thought, but in entire ignorance of the subject, made it an Order in Council, either side of the Richmond River, for

its mouth, should be reserved from the operation of the Squatting Act for the settlement of an agricultural population. Had my suggestion been simply embodied as it stood in the Orders in Council, numerous families of cedar-cutters then on the Richmond River, that were left unfortunately to a life of vagabondage, dissipation, and ruin, would have purchased small farms on its navigable waters, transforming the country into a perfect garden, and themselves into an orderly and virtuous population. But the Richmond River, running parallel to the coast line, for twenty miles from its mouth, is still within five miles of the sea, and the whole of the intervening land on either side of it is a dismal mangrove swamp, affording no means of sustenance either for man or for beast.

The absurdity of this proviso was noticed at the time and ridiculed in our Legislative Council by Mr. (now the Right Honourable) Robert Lowe, who was then one of its members, and who could not conceive how the thing could have occurred. The case was also brought before a Select Committee of the House of Lords on emigration, in the year 1847, at the instance of the Chairman, Lord Monteagle, who had invited me to give evidence before the Committee, and had asked me to breakfast with him beforehand, to get a few hints for his intended examination. After getting me to repeat the case I have just detailed to their Lordships, he spoke as follows: "You mean to say that the Orders in Council reserved only the bad land for the settlement of small farmers, and gave all the good land away to the squatters?" "Yes, my lord," I replied, "that is precisely what I have said." Lord Wharncliffe, one of the Committee, laughed at the absurdity of the thing; but it was no laughing matter to the cedar-cutters on the Richmond River, one of whom, the father of a family, residing in a hut on sufferance on a squatter's *Run*, but who had saved up 800*l.* (eight hundred pounds) from his earnings, which he was anxious

to invest in the purchase of a homestead, and the erection of a house for his family, being unable to purchase a single square yard of ground on the river, and being ordered off the Run, went in desperation to the nearest public-house and remained there for weeks together, till he had spent the whole of his money in dissipation. And this was only an individual instance of the ruin that befell a whole community of people through the ignorance and presumption of the Commissioners of Land and Emigration.

The Squatting Act of 1846, and the Orders in Council of 1847, were intended to operate over the whole territory extending from Bass's Straits to the Tropic of Capricorn, including what are now the great colonies of Victoria and Queensland. This territory comprised an extent of land of the first quality for cultivation and in one of the finest climates on the face of the earth, sufficient for the settlement of the whole redundant population of Great Britain for a long time to come. But through these most impolitic measures, all the good land, in many of the best localities, was handed over to the squatters, to be covered with their leases and their rights of pre-emption, while the utterly worthless land was carefully reserved by an Act of Parliament for the benefit of the industrious and virtuous working classes of the mother country !

There was no part of the colony that suffered more keenly through the absurd measures I have indicated above than what is called the Clarence River District, to the northward of the thirtieth parallel of south latitude. There are three rivers in this part of the territory—the Clarence, the Richmond, and the Tweed—all available for steam navigation as well as for the settlement of an industrious population on their banks. But every spot available for the purpose on these rivers was thenceforth covered by some squatter's right of pre-emption, who sells to the humble people of his vicinity for thirty pounds an acre what the Government had

most unjustly permitted him to purchase for one. In short, had Earl Grey sent for the Governor of St. Luke's, and required him to send him two of his rabid maniacs to draw up Orders in Council for the Squatting Act of 1846, they could not have discharged the duty more absurdly than was done by the Commissioners. I have often thought, indeed, that, in some respects at least, it was a great misfortune for mankind that Great Britain had ever any colonies at all—they have been so wretchedly governed in times past.

But if the friends of the colony had good reason to complain of the way in which the land revenue was enormously increased, beyond its proper and legitimate amount, during the first three years of the government of Sir George Gipps, as well as of the way in which the whole available funds of the colony had been drained away from it in the process, they had a still stronger reason to complain of the manner in which this vast amount of accumulated revenue was expended.

As soon as the business of emigration to New South Wales had become one of importance to mercantile men, from the large expenditure which it implied,⁷ certain merchants in Sydney, and certain others in London, discovered simultaneously that they could easily turn it to an advantageous account if they could only get it entirely into their own hands. A hue and cry was accordingly got up against what was called the Government system of emigration; in consequence of which the Bounty system, as it was styled, guaranteeing a certain fixed amount for every emigrant, male or female, of the whole number whom the intending importer had previously obtained authority from the local

⁷ I have already shown that the fund arising from the sale of the waste land, and then available for the promotion of emigration from the United Kingdom, amounted at the close of Sir Richard Bourke's administration to 439,652*l.* 4*s.* 4*d.*

Government to carry out, was established ; and the business was thenceforth almost entirely transferred to the hands of a few unscrupulous speculators.⁸ These persons, being chiefly domiciled in London, soon found that it would not pay them to send their ships for emigrants to the northern ports of England, to Scotland, or to the North of Ireland ; and they accordingly despatched their *whippers-in* to the South and West of Ireland, where emigrants, often of the most questionable character and qualifications, were engaged by the hundred, and shipped off, at a mere trifle per head, by the London steamboats, from Dublin and Cork. These steamboats usually touched at Plymouth ; and there the emigrants were regularly transferred *en masse* to the Australian emigrant ship, which was already waiting for them (with her provisions and water and cabin passengers all on board), in Plymouth Sound, and which, as soon as the bounty emigrants were taken on board, started off to sea with the first fair wind. By this means, the article, if of an inferior description, was certainly obtained at a comparatively small cost, and the profit of the speculation was consequently all the greater.⁹

It is scarcely possible to conceive the extent to which the colony was injured in its best and dearest interests by the description of persons that were thus sent out to it in thousands during the government of Sir George Gipps, at

⁸ A Sydney merchant, who had obtained an Order from the local government for the importation of 500 emigrants on the government Bounty, previous to his going to England, sold his Order to one of these firms in London for one pound per head, or 500*l.* altogether.

⁹ Extract from the evidence of Alexander Thomson, Esq., M.C., before a Select Committee of the Legislative Council of New South Wales on Immigration, during the session of 1843 :—"We have had a great many emigrants brought to Port Phillip, who are utterly useless ; in point of intellect they are inferior to our own Aborigines. What do they represent themselves as being ? Labourers. Where do they come from ? The South of Ireland."

the expense of its own funds. Of the 25,330 emigrants imported at the public expense, from the 1st of January, 1841, to the 30th of June, 1842, not fewer than 16,892 were from Ireland, chiefly from the Southern and Western counties, while only 8438 were from England and Scotland together. Ireland had, therefore, double her proper proportion of the Bounty emigration to Australia, while the other two kingdoms had only one-half of their due share. And as nine-tenths of the Irish emigrants were Roman Catholics, and many of them of the most virulent class, the system required only to be continued for a few years longer, to realize the fondest aspirations of certain Romish enthusiasts, by transforming the colony from a British Protestant into an Irish Roman Catholic province.¹

¹ In an article on the emigration from the United Kingdom generally, the *Quarterly Review* (although in what number I do not recollect) puts forth the following most inaccurate statement in regard to the emigration of this period:—

“The Australian emigration seems to be furnished entirely by England; by far the greater part of it from Plymouth, and nearly all the rest from London. The Cape, like Australia, has scarcely any British emigrants except from Plymouth and London. All who embarked from Irish ports went to North America, excepting two, who went to the West Indies. Hence it would appear, that the newer fields of colonization are chiefly occupied by the English; that the Scotch have nearly an equal share with them in the emigration to the West Indies and other places in the West, exclusive of North America, and that the latter region absorbs all the emigration from Ireland, which is quite in accordance with the relative distribution of capital, skill, and enterprise, in the three divisions of the kingdom.”
—*Quarterly Review*.

Now the fact was, that the emigration to Australia from Plymouth was almost exclusively Irish. I have known Bounty emigrant ships arriving in New South Wales from London *by way of Plymouth*, in which the *whole* of the emigrants were Irish, and in which the proportion of Roman Catholics to Protestants was as 17 to 1! In short, the inhabitants of the colony at this period had no voice in the management of their own affairs, which were handed over on their behalf

I happened to return to the colony, from my fifth voyage to Europe, by Cape Horn, by an emigrant ship from London and Plymouth, early in the year 1841; and as I had joined the ship at Plymouth, by way of Liverpool and Dublin, I was enabled to see how the whole process was conducted; for the steamboat in which I crossed over from Dublin to Plymouth, was absolutely filled with my future fellow-passengers to Australia. They had been collected, I ascertained, by a very summary process, from the Southern and Western counties of Ireland, by the regular whipper-in of a London house, which had either purchased the order of the Sydney merchant, or obtained authority from the Local Executive of New South Wales, through their correspondent in Sydney, to export so many hundred Bounty emigrants to that colony, and who found they could ship their article in this way at the smallest possible expense. It was no preconceived scheme of these people, as was then frequently alleged by zealous Protestants in the colony, to send out Irish rather than British emigrants, or Roman Catholics rather than Protestants. They merely *went for their goods to the cheapest market*, and, without blaming them in the least, I only maintain that it argued monstrous

to notorious incapacity on the one hand, and to unprincipled cupidity on the other. Hence the beautiful result I have mentioned, so peculiarly gratifying to Archbishop M'Hale and the advocates of Romish ascendancy both at home and abroad! For my own part, I should be the last person to prevent Ireland from obtaining her due proportion of whatever national funds may at any time be available for the promotion of emigration from the United Kingdom; but to give her a monopoly of these funds, as she virtually had at this period, was, I conceive, for reasons which it is unnecessary to enumerate, ruinous to the best interests of the colonies. Besides, the injustice to the colonists was extreme; for at least nine-tenths of the emigration fund, arising from the sale of land in the Australian colonies, had been contributed by British Protestants; and to employ these funds in deluging the colonies with Irish Roman Catholics was a serious wrong to the Protestant colonists of Australia.

incapacity, and something amounting almost to a breach of trust, on the part of the Local Government, to allow the interests of the colony to be thus compromised and sacrificed to promote so enormous a speculation.

On my return to the colony on this occasion, I published a pamphlet, addressed to the Protestant Landholders of New South Wales, entitled "The Question of Questions; or, Is this Colony to be transformed into a Province of the Pope-dom?" in which I detailed the experience I had gained during my voyage to England on the subject of Irish Roman Catholic emigration, and pointed out the probable consequences, both moral and social, of our evident and rapid movement as a community towards Rome. This pamphlet naturally produced a strong sensation among the Protestant inhabitants of the colony at the time, but any action on the subject fortunately proved unnecessary; for Divine Providence had in the meantime unexpectedly interfered for our deliverance from the threatened calamity in another way. In short, the bubble which Sir George Gipps had been blowing for years had burst at length, and emigration from the mother country to Australia ceased altogether for a time, as the Treasury was exhausted.²

² The following are extracts from "The Question of Questions:"—"While it is notorious that nine-tenths, or perhaps, rather, nineteenth-twentieths, of all the money hitherto arising from the sale of waste land in New South Wales have been paid into the Colonial Treasury by Protestants, chiefly from England and Scotland, it appears that, under the system at present in operation, of conducting emigration to this territory in private ships from London touching at Plymouth, two-thirds of the available portion of that revenue are paid for the introduction of Irish Roman Catholics from the very worst districts of Ireland, and only one-third for the importation of Protestants from all parts of the United Kingdom. This is a state of things that implies either the grossest neglect, or the grossest mismanagement in some quarter or other, and it cannot surely be contemplated by any sincere Protestant in the territory

The earlier portion of the administration of Sir George Gipps was rendered memorable from the colonization of New Zealand as a dependency of New South Wales—an event of historical importance with which I was somewhat personally identified. On my way to England on ecclesiastical business in the year 1839, our vessel having sprung a dangerous leak near the western entrance of Cook's Straits, through which we had intended to pass, as the shortest route from Sydney to Cape Horn, we were obliged to bear up for repairs to the Bay of Islands, at that time the only place in New Zealand inhabited in any considerable number by Europeans. Carefully observing the anomalous state of things in the island without apprehension and alarm. . . . The simple fact that cannot be controverted—the fact that will go down to posterity—is that in the year 1838, His Excellency, Sir George Gipps and his two Councils found New South Wales a thoroughly Protestant colony, but that in the short space of three years thereafter, they had done more to transform it into a mere province of the Popedom than had been done by all the injudicious acts of all their predecessors for fifty years before! It is no excuse for men occupying so responsible a situation as is held by the members of the Colonial Government at the present crisis, to plead that they did not foresee the consequences of their measures in regard to emigration. They ought to have foreseen them. They ought never to have entrusted to unprincipled speculators (for common sense might have taught them that the Bounty emigration business was sure to fall into such hands under the system they had created) such enormous powers of good or evil as I have shown have already been so flagrantly abused.”—(“The Question of Questions; or, Is this Colony to be transformed into a Province of the Popedom?” p. 24; Sydney, 1841.)

“It is no excuse, I repeat it, for the Local Government to plead that this truly alarming consequence of its Emigration measures was not foreseen. To confess that the legitimate consequences of any measure were not foreseen, is tantamount to a confession of incapacity, and if the Local Authorities are ready to make such a confession, they had better send for Father Murphy at once to hear it, for it is not one that ought even to be whispered into ears profane.”—(*Ibid.* p. 24.)

during my short stay in that locality, I published a pamphlet on my arrival in England, entitled "New Zealand in 1839; or, Four Letters to the Right Honourable Earl Durham on the Colonization of that Island," in which I strongly recommended to Her Majesty's Government the propriety of taking immediate possession of that whole group of islands as a colony of Britain.

The first thing I learned on the subject on my arrival in England was, that a Bill for the Colonization of New Zealand had been submitted to Parliament at the instance of a Company formed for the purpose, of which the late Earl Durham was Chairman or Governor, but that that Bill had, through the adverse, but mistaken, influence of the Church of England Missionary Society, been thrown out by a large majority; Lord John Russell also and the Colonial Office being dead against it. I showed, however, in my pamphlet, that no such Bill or Act was necessary in the case; that New Zealand had been included in the Commission granted to Captain Phillip, R.N., the first Governor of New South Wales, in the year 1787, which was then still in force; that subsequent Governors of that colony had recognized the fact by appointing a magistrate to exercise jurisdiction in New Zealand, and that the island could, therefore, be colonized forthwith as a dependency of New South Wales, without any Act of Parliament whatever. All this, I ascertained also, was unknown at the time in the Colonial Office, but was found, on searching the records of the office, to be correct.³

³ It is rather strange, but perfectly true, that the same thing should have happened in the case to mention. It is told of in the Jewish history after the return from the Babylonian captivity, that there was a decree of Cyrus the Great, ordering that their city and temple, of which they had been ignorant, should be rebuilt. A search was ordered at the palace of Achmetha, and the decree was found, and the work was then issued.

Through the publication of this important information in my pamphlet, a fresh amount of pressure was brought to bear upon the Colonial Office by the friends of the measure in question, who were both numerous and powerful; and the Marquis of Normanby, who had, in the meantime, succeeded Lord John Russell in the Colonial Office, was, in consequence, induced, very reluctantly, however, to sanction the colonization of New Zealand as a dependency of New South Wales. Sir George Gipps was also directed by his Lordship to organize a Government for New Zealand on that condition: a Lieutenant-Governor was to be appointed for the dependency, and a Treasury Minute accompanied his Lordship's despatch on the subject, authorizing Sir George to advance from the Revenue of New South Wales Forty Thousand Pounds to set the requisite machinery in motion. At the same time, an Act was passed by the Colonial Legislature, extending the Land Laws of New South Wales to New Zealand, and constituting a Court of Claims, to try and decide on all cases of alleged purchases of land from the natives of that island.

The extreme repugnance which the Colonial Office felt towards the measure in question may be inferred from the heartless and shabby manner in which it was carried out. Captain Hobson, R.N., the first Governor of New Zealand, who had been in the island before in command of H.M.S. "Rattlesnake," and who cordially approved of the course recommended in my pamphlet, as I ascertained at the time in London, was sent out merely as a British Consul, with instructions to acquire for the Crown first the Sovereignty, and afterwards the native lands from the Maories, on the best terms he could—a commission which it was scarcely possible to execute under the circumstances of the time. Captain H. deemed it expedient and necessary, therefore, to adopt the course I had recommended, which he did accordingly, by taking possession of the whole group for Her

Majesty the Queen, in the month of February, 1840, before he had been six weeks in the island. The circumstance that induced Captain Hobson to act in this way, as he was afterwards commended for doing by the Imperial Government, was the invasion of his authority as representative of the Queen, by parties acting under the New Zealand Land Company, and making extensive and unwarranted purchases of land from the natives on both sides of Cook's Straits. And it was fortunate for his country, and for the best interests of humanity that he acted as he did at the time, for if he had delayed doing so much longer, the middle, or largest island of the group, would have been a colony, and, in all probability, a convict colony of France.⁴ New Zealand ceased to be a Dependency of New South Wales, on the 1st of June, 1841.

⁴ In my pamphlet above-mentioned, which was republished for circulation in the island previous to a visit which I paid to New Zealand during the past year, I had reprobated the procedure of certain missionaries of the Church of England Missionary Society in New Zealand, who, I alleged, had been purchasing large tracts of land from the natives at a notorious under-value. My statement being held up by certain parties in New Zealand to public reprobation, as being both offensive and unfounded, I made it my business, when at Wellington, the capital of the colony, as the guest of one of the Ministers of the Crown in September last, to ascertain what the Blue Books of the colony stated on the subject at the period in question; and I there found that during the years from 1832 to 1840 inclusive, the very period of which I had spoken in my pamphlet, twenty-six of the missionaries of the Society in question, had acquired for themselves by alleged purchase from the natives not fewer than 185,000 acres of land, of which the Court of Claims had allowed them to retain 60,000. And as a Mr. H. Williams, who, I believe, was at one time an officer in the navy, and afterwards an Archdeacon in New Zealand, was recently very indignant at my statement in a letter he published on the subject in New Zealand, I would merely quote the following items of his purchases from the *Australasian Chronicle*, a Roman Catholic journal, published in Sydney, October 5, 1841 :—

"The Church Missionaries of New Zealand have turned the Gospel to good account, if we may judge by the following specimen taken

As soon as it was noised abroad in the colony that there was a movement in England for the colonization of New Zealand, the rage for speculation, which was then rampant in New South Wales, and could not be restrained even by the surges of the Pacific, extended itself to that group of islands; and numerous long-headed Australian colonists, either in their own persons or by approved agents, entered into treaties with the native chiefs for the purchase of immense tracts of land in their islands, in order to steal a march upon Her Majesty's Government. It was in anticipation of something of this kind, which indeed had already commenced at the period of my visit, that I had been induced to urge upon Government the propriety of taking immediate possession of the whole group, and of asserting a right of pre-emption, on the part of the Crown, to all the

from the claims to grants advertised in a single number of the *Auckland Gazette*, that of the 4th September last, viz.:—

The Rev. Henry Williams . . .	1000 acres.
The Rev. Henry Williams . . .	3000 „
The Rev. Henry Williams . . .	245 „
The Rev. Henry Williams . . .	500 „
The Rev. Henry Williams . . .	4000 „
The Rev. Henry Williams . . .	500 „
The Rev. Henry Williams . . .	2000 „
Total	11,245 „

“Eleven thousand, two hundred and forty-five acres! all acquired by one preacher of the Gospel, who was probably sent out at the expense of some charitable ladies for the purpose of converting savages to Christianity. ‘A fructibus eorum cognoscetis eos.’ How beautiful these Apostolic grants would look in the *Missionary Record* or the *Evangelical Magazine*! We are glad to say that, among the reverend names which figure in these lists of claimants, we do not observe that of the Catholic Bishop, or any of his clergy, for a single acre. This is as it should be.”

I deem it quite unnecessary to say a single word on these revelations.

“Pudet hæc opprobria nobis—et dici, et non potuisse refelli.”

lands held by the Aborigines. For, however unreasonable this may appear to certain would-be philanthropists in England, and how much soever it may be decried in certain interested and suspicious quarters as an unwarrantable interference with the natural rights of the Aborigines, there is no other way in which the natives of uncivilized countries can be protected from the artifice and cupidity of Europeans, or in which justice can be done even to European colonists against one another.

The claims of the numerous purchasers of land from the natives of New Zealand came before the late Nominee Legislature of New South Wales, which had been authorized to make the requisite arrangements for the disposal of land in the islands, in the year 1840; and among others the claim of the late W. C. Wentworth, Esq., afterwards one of the Representatives of the City of Sydney in the Legislative Council, and subsequently President of the Upper House of the Colonial Parliament under Responsible Government. Not satisfied, it seems, with being one of the largest speculators in land and stock in New South Wales, that gentleman had fixed his eye on a principality in New Zealand; and had duly purchased from a few—about nine—of the mere handful of natives who then inhabited the Middle Island, the whole, or nearly the whole, of that island—a tract of country comprising twenty millions of acres! The bargain, or rather treaty, for the cession of this territory had been duly concluded between the high contracting parties—Mr. Wentworth and his associates, on the one part, and those sovereign and independent chiefs, E Toki, E Waru, E Piti, Rauparaha, Ka Witi, &c., on the other: the deed was drawn up in due form in the English and New Zealand languages; and the parchment was signed, sealed, and delivered in the presence of approved witnesses, by their High Mightinesses, the States of the Middle Island; to whom Mr. Wentworth had faithfully paid the stipulated number of English

blankets (of the coarsest description), of Birmingham muskets (made to sell), and of kegs of gunpowder, besides a variety of other unsaleable articles from some warehouse in Sydney. Mr. Wentworth argued his claim in person before the Council, at great length and with great ability; enlarging upon the rights of sovereign and independent nations, and especially of the chiefs aforesaid, with whom he had had the distinguished honour of making the aforesaid treaty; proudly displaying his parchment with the signs manual and seals of the sovereign and independent chiefs aforesaid; and concluding by asking nothing from the *generosity* or *charity*, but demanding everything from the *justice*, of England.

Sir George Gipps deserves the highest credit for the ability with which he exposed and set aside this peculiarly barefaced and impudent claim—setting forth at great length the practice of all European nations since the discovery of America, as well as of the United States of that country, in regard to the purchase and sale of the lands of the Aborigines; showing that the right of pre-emption was uniformly asserted by the colonizing power; exhibiting the injury and ruin that would inevitably result from a different practice; pleading the principle which his own immediate predecessor had established, and the Imperial Government had recognized, in the case of Port Phillip; and concluding by literally overwhelming Mr. Wentworth and his notorious attempt to appropriate, for his own private benefit, the country which might otherwise become, as it has since become, the happy home of myriads of his fellow countrymen from the United Kingdom, with a torrent of sarcasm which it is no marvel that that gentleman was never able either to forgive or to forget.⁵ Mr. Wentworth was afterwards the leader of the Opposition in the partially Repre-

⁵ See Appendix VII.

representative Legislature which was subsequently established in the colony, during the succeeding portion of the administration of Sir George Gipps; and as I deemed it my duty at the time to identify myself generally with that Opposition as a member of the Colonial Legislature, I ascribed, in great simplicity, the part that was then taken in it by Mr. Wentworth to the purest patriotism. From the subsequent political tergiversation, however, of that gentleman, and especially from his turning his back upon himself, as well as upon the people who had previously trusted and supported him, I have learned to ascribe it rather to his own disappointed ambition and thwarted cupidity.

Previous to the administration of Sir Thomas Brisbane, the Governors of New South Wales had been subject to no control but that of the Secretary of State in England. The Select Committee of the House of Commons, which sat on the affairs of the colony in 1812, had indeed recommended that the Governor should be assisted by a Council; but the recommendation had not been approved of by the Secretary of State, and it is amusing to observe how old Governor Macquarie congratulates himself upon the fact.

"I feel great satisfaction," he observes, in a letter to Earl Bathurst, of date June 28, 1813, "at the determination of His Majesty's Government in not acceding to the recommendation of the Select Committee of the House of Commons, in regard to the Governor of this colony being assisted by a Council. *I indulge a fond hope that this measure will never be resorted to in this colony.*"

Notwithstanding this protest, however, a Legislative Council, or rather an apology for one, was instituted during the administration of Sir Thomas Brisbane; to consist of the Governor, the Lieutenant-Governor or Commander of the Forces, the Chief Justice, the Archdeacon, and the Attorney-General. During the government of Sir Ralph

Darling this council was somewhat extended, and consisted thenceforth of fifteen members, including the Governor and seven officers of the Local Government, together with seven other members, selected, from amongst the respectable inhabitants of the colony, *exclusively by the Crown*. Now, antecedently to all such considerations as the extent and population of the colony, the amount of its revenue, and the desirableness of having its affairs managed by able and efficient hands, it was morally impossible that a legislative body, *constituted in this manner*, could ever enjoy the confidence of a large and rapidly increasing commercial and agricultural community, however intelligent and well-intentioned its members might individually be. It was accordingly universally admitted, that the Nominee Legislative Council possessed in no degree whatever the confidence of the community. In such circumstances, the very existence of such a body could not fail to be a subject of serious grievance, and a source of perpetual dissatisfaction on the part of no inconsiderable portion of that community, in an age especially of liberal opinions and popular institutions.

At length, in the year 1842, an Act, commonly called the *Constitution Act*, was passed by the Imperial Parliament, at the instance of Lord Stanley, who was then Secretary of State for the Colonies, for the better government of New South Wales. By that Act a Legislature of one House was constituted, to consist of thirty-six members; of whom six were to be Government officers, and other six Crown nominees; the remaining twenty-four to be elected by the people, viz. eighteen for New South Wales Proper, and six for Port Phillip. The franchise was a twenty pound rental, or a freehold of two hundred pounds in value; and the qualification for elective members was property to the amount of two thousand pounds, or of one hundred pounds of yearly value.

As a General Election and a partially Representative Legislature were *new things under the sun* in Australia, and as the crisis at which the first election took place was a peculiarly trying one for the colony, the interest excited in all quarters was intense, and the result was by no means unsatisfactory. Indeed, for general ability, for extent and variety of information available for the business of legislation, for manly eloquence, for genuine patriotism, and for energetic and dignified action, I question whether the first Legislative Council in New South Wales, under the constitution of 1842, has ever been surpassed by any legislature out of England in the British Empire. Besides Mr. Wentworth, a native of the colony, of commanding talents, although of somewhat questionable principles, there were in that Council Robert Lowe, Esq.,⁶ a barrister of supereminent ability, and of brilliant oratorical powers; the late Richard Windeyer, Esq., also a barrister of superior abilities and the Joseph Hume of the Council; and Charles Cowper, Esq. (now Sir Charles), also a native of the colony, with business talents of a high order, and of indefatigable industry. These men would of themselves have been sufficient to have given character and standing to any popular assembly; and, besides these, there were others of respectable talents, although of inferior name. In short, the great superiority of the first Legislative Council of New South Wales to those legislatures, whether of one or of two Houses, that have hitherto succeeded it, is a remarkable fact in the history of the colony. On making the comparison, the colonists may well exclaim,—

“Dull Mediocrity brings up the rear.”

I had the honour to be elected one of the Representative Members of the first Legislative Council, under the Con-

⁶ Recently the Right Honourable the Chancellor of the Exchequer in England.

stitution of 1842, for the District of Port Phillip; for having resigned my salary of 500*l.* a year from the State, from the 1st of April, 1842, I was thenceforth eligible for such an office under our Colonial Constitution. The somewhat extraordinary circumstance that had rendered it almost a matter of necessity for me to avail myself of the opportunity which was unexpectedly offered me of occupying so unusual a position for a minister of religion in the British Empire—excepting always the Bench of Bishops—I may have occasion to advert to in the sequel. Suffice it to say, for the present, that the office was not of my own seeking. At the same time, in accepting it, I had certain objects in view, of transcendant importance to the welfare and advancement of the colony, which could not be promoted so effectually, if at all indeed, in any other way. Some of these will appear in the sequel, from the measures with which I was more immediately identified, but the principal were, 1st, To put a stop, if possible, to the enormous preponderance of Irish Roman Catholic immigration, which, I conceived, was ruining the country in its best and dearest interests; and 2nd, To secure for the colony a General System of Education, suited to its circumstances and adequate to its wants.

In regard to precedents for the course I had thus taken, which naturally became a subject of discussion among colonial politicians at the time, the position of the Right Rev. Dr. Broughton, Anglican Bishop of New South Wales, as a nominee member both of the Legislative and Executive Councils of the colony up to the year 1843, precluded all objection on the part of the particular communion to which he belonged; and in regard to other denominations, it was urged that the celebrated Dr. Owen was a member of the House of Commons for the University of Oxford during the Commonwealth; that the Rev. Alexander Shields had been nominated, by the Board

of Direction in Edinburgh, a Member of Council for the government of the unfortunate Scotch colony at the Isthmus of Darien ; that the Rev. Dr. Witherspoon, a Minister of the Church of Scotland, was only six years from that country when he was chosen one of the members of the first American Congress for the province of New Jersey, and signed the famous Declaration of Independence in the year 1776 ; and that the Rev. Dr. Timothy Dwight, afterwards President of Yale College, was twice elected a member of the Legislature of the State of Massachusetts, to which he belonged.

But if any further apology were deemed necessary for the course I pursued on the occasion in question, I would remind the reader of the saying of the celebrated Dr. Arnold of Rugby, that "the desire of taking a part in the concerns of government is the highest desire of a well-regulated mind." And if this is the case even in the old communities of Europe, it is much more so in a state of things in which the very foundations of society remain to be laid. There was no office to which I could aspire, as an individual, under the Colonial Government ; there was no personal advantage, in the way of pecuniary emolument, which I could derive from such a position : but the influence, either for good or for evil, which it gave, was extensive and commanding, as it enabled those who could avail themselves of the opportunities it afforded, to put the whole machine of society on the right track, and to give it the right direction for all future time.

As my opinions on the subject of Irish Roman Catholic immigration were well known in Port Phillip, and were not likely to be well received by the Romish priesthood of that district, in which the Irish Bounty emigrants from *Plymouth* were very numerous at the time, my nomination for the District proved the signal for the first

attempt to establish a sort of Romish ascendancy in the colony, of the nature and result of which it may not be uninteresting to the reader to detail the particulars. The town of Melbourne, the capital of the District of Port Phillip, was allowed one Representative Member under the Constitution Act, and the rest of the district five. For four or five months before the election, and indeed till the eleventh hour, the only candidate for Melbourne was Edward Curr, Esq., a gentleman who had accumulated a considerable fortune in the capacity of Manager of the Van Dieman's Land Agricultural Company, and had settled with his family at Port Phillip shortly after the original formation of the settlement. He was a Roman Catholic, from the North of England; but being a man of liberal principles, who took an interest in the politics of the district, he was generally acceptable, and was expected to be returned unopposed. Not satisfied, however, with this prominent and influential position, Mr. Curr had, under the instigation of the Romish priesthood of the place, used the influence he supposed he possessed in the community to denounce me publicly as an unfit and improper person to represent the District; for which I had been invited to become a candidate by a considerable number of the electors, a large proportion of whom were from Scotland. In support of his allegations, Mr. Curr appealed to my pamphlet, *The Question of Questions*, in which I had committed the unpardonable offence of protesting against the enormous preponderance of Irish Roman Catholic immigration in the year 1841. At a public meeting, at which I had been invited to address the electors in the Town Hall of Melbourne, Mr. Curr and certain of his friends, together with a goodly number of the regular *Tipperary boys*, the Bounty emigrants of former years, had assembled early, and taken possession of the principal places in the Hall, to put me down; but I succeeded in obtaining a hearing at length, and ad-

dressed the meeting with evident success, on the interests and wants and prospects of the District, for upwards of two hours; concluding with the following anecdote, which was remarkably well received, even by the Tipperary boys, in reference to the antagonistic efforts of Mr. Curr.

"In some place where the people called Quakers were in considerable numbers, and where it was customary, for any member of that body who wanted a wife, to make application to the Friends, who selected a fit and proper person for him, a Quaker who had made the usual application in such circumstances, had a person selected for him as his wife with whose personal appearance he was by no means pleased. Resigning himself to his fate, however, he thus accosted his future partner, 'Martha, thou art not very beautiful, and thou art not very handsome; but as the Friends have sent thee, I must take thee: so sit thee down and spin.'" Then turning to Mr. Curr, whom I had previously treated with the utmost courtesy, I observed that, "although I might not be very beautiful or very handsome according to his ideas of political comeliness, yet, as it was evident that the Friends had determined to send me to the Legislative Council, I thought it would be the wisest policy for him to make the best he could of his bad bargain, and to sit him down and spin."

Mr. Curr, however, was blinded by his bigotry to the popular movement, and was so far left to himself in the matter, as to publish a sort of manifesto in the public papers, informing the electors that if they chose me for the District they should not have him to sit for the Town. This, however, was more than certain of the Friends could stomach, and they accordingly determined forthwith to oust Mr. Curr, or rather to take him at his word. I was apprised of the circumstance only on the Thursday evening

before the nomination, which was appointed to take place on the following Tuesday ; for on that evening one of the aldermen of the town, who had just been settling the preliminaries, requested me to accompany him to the residence of the Mayor, a respectable Scotch brewer from Leith, to endeavour to persuade him to offer himself as a candidate for the town of Melbourne, in opposition to Mr. Curr. We represented to the Mayor, to whom the subject had not been mentioned previously in any way, and who was naturally somewhat startled at the proposal, that the question had now become one of Romish ascendancy, which Mr. Curr and his friends evidently wished to establish not only in Melbourne, but throughout the District ; and that, in such circumstances, it was his duty, as the person whom his fellow-citizens had placed in the highest office in their Municipal Council, to stand forward on their behalf by offering to represent them also in the General Legislature. The Mayor objected that he was not accustomed either to speak in public or to draw up such public papers as he might be required to furnish in that capacity ; but he consented to waive this objection, on my offering to assist him in either way, if it should be necessary ; and it was finally arranged that if a requisition, inviting him to become a candidate for the town, and signed by not fewer than 200 of the electors, should be presented to him by four o'clock of the following day (Friday), he would stand. The requisition was signed by upwards of 250 of the electors by two o'clock on Friday, and was published, to the astonishment and consternation of Mr. Curr and his friends, on the following morning. One part of the Mayor's address on the day of nomination, in the preparation of which I had given him a little assistance, was much noticed at the time. "They say I am a brewer," he observed, in allusion to the abuse he had been receiving from Mr. Curr's supporters, through the public press ; "they say I am a brewer, and so I am ;

I do not deny it ; and they will find before this election is over that we have brewed them some of the bitterest beer they ever drank in their lives." The Mayor was elected by a large majority ; and as a specimen of the sort of people who had formed a large proportion of the Bounty emigrants of former years, and who were then under the influence of Mr. Curr, that gentleman told the electors, on the declaration of the poll, that "they owed it to him that the town was not burnt down about their ears." I need scarcely add that Mr. Curr was unsuccessful in his attempt to prevent my election for the District ; which eventually turned upon a question between the late Sir Thomas Mitchell, Surveyor-General of the Colony and myself, the majority being eight in my favour. This result of the first Port Phillip election proved the death-blow for a time to Romish ascendancy in that District.

The main struggle of the first Council was for the reduction of the enormous expenditure of the Local Government, which the circumstances of the times had rendered imperatively necessary. Beginning with the Governor himself, Mr. Windeyer brought in a Bill to limit the salary of future Governors. On carrying the principle of the Bill, Mr. Windeyer moved that the salary of future Governors should be 4000*l.*, instead of 5000*l.* a year, at which it had been fixed by the Secretary of State. The motion was carried ; and, as I had spoken in support of the motion, I had the honour of being appointed by the Council one of a deputation, along with the Speaker and Mr. Windeyer, to present the Bill to his Excellency, thus virtually telling him that he was getting too much, by a thousand a year, of the people's money. I need scarcely add that this Bill, to which the Governor, as he told us himself, was precluded by his instructions from giving his assent, was disallowed at home ; the opinion at the period in question, in that undoubted source of all political wisdom, the Colonial Office,

being that the Governor of the mere handful of people then in New South Wales should have as large a salary as the President of the United States of America !

It was one of the political maxims of Earl Grey, that the salaries of all Governors of colonies should be paid by the mother-country. The object of such a proposal cannot be misunderstood, and the hook which it covers is too evident for even the simplest colonists to catch at the bait. Such an arrangement would make all Governors the mere tools of the Colonial Office, which, indeed, they were too much already under the old Downing Street régime. It would give them different interests from those of the people they are sent to govern. It would make their tenure of office dependent exclusively on the will and pleasure of the Secretary of State. So long as the Australian colonists are to have Governors from England at all, I am quite sure they will be both able and willing to pay for them, as it is only a matter of justice to the people of England that they should. They will never consent to have a *Pauper-Governor*, to be *maintained by the parishes* at home. At the same time, they will insist, as they ought, and as the first Council taught them to do, on their absolute right to fix the amount of their Governor's salary, as well as to effect his removal also, whenever they deem it expedient and necessary, by a vote of their Legislature.

When Hutchinson, the last Royal Governor of the colony of Massachusetts Bay, in America, informed the Legislature of that Province, at the instance of the Earl Grey of his time, that "he no longer required a salary from them, as the King (George III.) had made provision for his support," the Assembly informed him, by a message in reply, "that the Royal provision for his support, and his own acceptance of it, was an infraction of the rights of the inhabitants recognized by the provincial charter, an insult to the Assembly, and an invasion of the important trust which,

from the foundation of the commonwealth, they had ever continued to exercise." But *there were giants* in the political world *in those days*: we have since, unfortunately, fallen upon the age of political pigmies; for professed Representatives of the people, in the Government-packed jury of a Legislative Council in New South Wales, actually declared themselves in favour of Earl Grey's proposal!

The withdrawal of a large portion of the ordinary revenue of the colony—to the extent of 81,500*l.* a year—from the control of the Council, was a serious and standing grievance against which the Council had to protest. This reservation was arranged by Act of Parliament under three Schedules, entitled A, B, and C, comprising respectively the salaries of the Governor and Judges, the estimated cost of the judicial establishment, and the appropriation of 30,000*l.* per annum for the support of religion. The Local Government, however, whose powers of absorption were somewhat extraordinary, having found the reservations in certain of these Schedules too small, applied to the Council to make good the estimated deficiency. But the Council resolutely refused to vote one farthing in addition to the Schedules, unless every item they contained should be submitted for their revision. The Governor assented in the first instance to this condition, and the Council went to work accordingly upon the Schedules; but as soon as they began to meddle, in the way of reduction, with the salaries of certain officers of Government included in these lists, his Excellency gave them to understand that these salaries were all *tabooed*, and could not be touched, as they had been fixed in England by the sacred hands of the Secretary of State; and the result was that the Schedules were withdrawn from the Council, while the expenditure had to be compressed, in the best way possible, within the Parliamentary limits.

⁷ Graham's History of the United States of North America. London, 1836, vol. iv. p. 323.

In that part of the Estimates which lay within the entire control of the Council, great reductions were effected, while various unnecessary offices were abolished.

The duties on wines and spirits, from which, unfortunately, a large portion of the public revenue of the colony is still derived, were at this time so exorbitantly high, that extraordinary encouragement was virtually given to smuggling and illicit distillation; both of which were carried on on so large a scale as to occasion extensive demoralization. The Governor's specific for rooting out this crying evil was more stringent laws against these unlawful practices: and these were accordingly tried, under the strong protest of a large minority of the Council, for a time; but they failed egregiously of their desired effect, smuggling and illicit distillation being practised more extensively and more openly than ever. One of the singular expedients which Sir George Gipps repeatedly took to render the laws effectual in putting down these unlawful practices, and from which, along with other indications of a similar kind, I infer the obtuseness of his moral sense, was to sanction and encourage the officers of the Excise department to pretend to receive bribes from the unprincipled distillers, and to betray the fact to the Government; that the police might be on the watch, at the proper times and places, to effect seizures. When two cases of this kind had occurred, I placed a notice of motion on the Council paper, denouncing the practice as unworthy of any Government, disreputable, and immoral. The motion, although seconded, was not carried, which I scarcely expected it would be; but it enabled me publicly to reprobate the practice, which was thenceforth discontinued.* The

* The following was my motion on the occasion: "That in the opinion of this House, it is an unwarrantable and demoralizing practice, utterly unworthy of any Government professing to be guided by the principles of Christian morals, to authorize any of the officers or employés of such Government, to pretend to receive bribes from

Governor was at length compelled to coincide with the Council in reducing the duties—a measure in which, I confess, I cordially concurred as the least of two evils.

But a Legislature, like that of New South Wales, at this period, in which the officers of Government, or rather the heads of departments, were maintained by Act of Parliament in the enjoyment of their places and emoluments in defiance of adverse majorities in that Legislature, was a burlesque upon Representative Institutions, and an outrage upon the common sense of mankind. On question after question of vital importance to the welfare of the colony, the Government was left in small minorities; but the Government officers kept their places notwithstanding, and nothing followed. Nay, the Governor repeatedly set aside the vote of the Council on measures of public policy of the utmost importance, and took his own course in spite of it. For example, a majority of the Council had, after a long debate, voted for the establishment of a General System of Education, similar to the one established in Ireland by Lord Stanley;⁹ but the Governor refused his concurrence in the

persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.”

⁹ Robert Lowe, Esq., a barrister of super-eminent abilities, then a nominee member of the Legislative Council of New South Wales, but now the Right Honourable Robert Lowe, recently Chancellor of the Exchequer, had moved for and obtained a Select Committee on Education, of which I was elected a member. But before he had submitted to the Council the Report he had drawn up, with the approval of the Committee, Mr. Lowe resigned his seat in the Council, in consequence of having been taunted by the officers and supporters of the Government for having given a conscientious and liberal vote on some question before the House. Before doing so, however, he did me the honour to request me to move the adoption of his Report, which I did accordingly, in a speech of three hours, to which Mr. Lowe, who was then no longer a member, listened throughout with unfaltering attention.

vote, and the Denominational System was continued. It was reported at the time that the Governor, having some time before obtained the concurrence of the Right Rev. Dr. Broughton, the Anglican Bishop, as a member of the Executive Council, to his famous Squatting Regulations, to which I have already referred, had, in return for that favour, obliged the Bishop by vetoing the vote of the Legislative Council for the establishment of a General System of Education.

Of the more important measures originated by myself in the first Legislative Council, which met for the first time on the 1st of August, 1843, the following were the principal.

1. "Public Prayers at the opening of the Council." Rev. Dr. Lang to move—

"That as it is the bounden duty of the legislature of any Christian country, and accordant with the uniform practice of both Houses of Parliament in the United Kingdom, to commence the business of each day with a solemn recognition of the Divine Majesty, and a humble invocation of the Divine blessing, public prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the chair.

"That a suitable form of prayer for this purpose be selected or prepared, under the superintendence of a committee of Council; and that the said form of prayer, when approved of, be used exclusively on all such occasions.

"That as both the members of this Council, and their constituents, belong, respectively, to various religious denominations, all of which are placed, by the law of the land, on a footing of perfect equality in relation to each other, the said committee consist of, at least, one member of each of the denominations to which the members of Council respectively belong.

"That a minister of religion, or chaplain, be appointed, annually, by the Council, to officiate on such occasions; and that the minister or chaplain so officiating, discharge this duty in a black gown or white surplice.

"That any minister of religion, of any denomination, residing either in the city or its vicinity, be eligible for this office."

This motion being fixed for the 10th of August, 1843,

the first clause was put by the speaker, after I had introduced the matter in a speech illustrative of the practice of the mother country, of legislative bodies generally in other countries, and of that of the ancient Greeks and Romans. —It was lost, however, by a majority of nineteen to eleven.

In the following year, however, a motion, with a professedly similar object, but in reality very different in its character, was submitted to the Council, by Mr. (now Sir) Charles Cowper, one of the two members for the county of Cumberland, to the following effect. “Wednesday, 29th May, 1844.—‘Daily Prayer on opening the Council.’ Mr. Cowper, pursuant to notice, moved, ‘That Public Prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the chair; and that a chaplain, who shall be a clergyman of the Church of England, be appointed by the Speaker to perform this duty.’”—*Votes and Proceedings of the Legislative Council for 1844.*

On this occasion I proposed to Mr. Cowper and his friends to separate the motion into two parts, the first embodying the general principle, in the recognition of which I should be most happy to concur; and the second appointing a clergyman of the Church of England as chaplain to the Council, which the members of that Communion would then be easily able to effect, and to which I would individually offer no opposition, as they had a decided majority in the Council. But as these gentlemen would not allow a right principle to be recognized and a right practice established, without compromising the great principle of religious equality which had been recognized in the previous legislation of the colony, under Sir Richard Bourke, and without subjecting every other religious denomination to a humiliating sense of inferiority, I had no alternative but to vote with the majority for the previous question, which was carried, virtually against the motion, by fourteen to eight.

2. "Extension of the Elective Franchise and Equalization of the Representation." A motion which I submitted on this subject, in the year 1843, pointing out the gross injustice of the system in operation under the Constitution Act of the Imperial Parliament on the one hand, and the Electoral Act of the late Nominee Council on the other, issued eventually in the appointment of a Select Committee on the Franchise and the Representation generally, of which I was chairman, during the session of 1844. The Committee accordingly recommended the extension of the franchise to tenant-farmers and squatters, who were both excluded from that privilege under the existing Acts. In regard to the Representation, certain improvements of the existing system were recommended, which, for the most part, were subsequently effected.

3. "The establishment of a Uniform Postage for the colony at a Twopenny Rate." My motion to this effect likewise issued in the appointment of a Select Committee, of which I was chairman, to investigate the subject, and to report, in the Session of 1844. The Committee strongly recommended the proposal, and the Report was adopted by the Council; but Sir George Gipps, in the exercise of his dictatorial power, on the one hand, and of his spleen on the other, vetoed the measure, which afterwards, however, became the law of the land under his successor.

4. "The Separation of Port Phillip from New South Wales, and its erection into a distinct and independent colony." I had paid a visit to the United States of America in the year 1840; and having traversed the country from Salem in Massachusetts to Charleston in South Carolina—a tract of country including not fewer than eleven of the States besides the district of Columbia—I was particularly struck with the limited extent of the different States, as compared with certain of our colonies, and was strongly impressed with the belief and conviction that it

was greatly owing to that circumstance and to their having all the functions of government discharged under their eye, as it were, and within their control, that the Free Institutions of America worked so well and so happily for the people. On visiting Melbourne, shortly after my return to Australia, I happened to mention what I had thus seen and observed in America, in connexion with an agitation which was then in progress in Port Phillip for its separation from New South Wales and its erection into a distinct and independent colony. Of that agitation and its object I expressed my cordial approval; and it was doubtless my well-known sentiments on this great question of the time that induced the inhabitants of that district to elect me as one of their members in the first Legislative Council of New South Wales. My motion for the Separation of Port Phillip from New South Wales was to the following effect: "That a humble Address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire Separation of Port Phillip from New South Wales, and for its erection into a separate and independent colony." That motion was heartily concurred in by all the Port Phillip members—six in all—but it received only one solitary vote from amongst the other thirty members for New South Wales Proper, that of Robert Lowe, Esq., of whom I have already repeatedly made honourable mention. As the Port Phillip members, however, were unanimous in favour of the object, I suggested that we should send a joint petition on the subject, through the Governor, to Her Majesty the Queen. The suggestion was cordially concurred in, and I was deputed to draw up the petition, which was signed, presented, and forwarded accordingly; and in nine or ten months thereafter a favourable answer was received from Lord Stanley (afterwards Earl Derby), who was then Secretary of State for the Colonies,

towards the close of the year 1845, to the inexpressible joy of the whole population of Port Phillip. This measure of common justice and urgent necessity, however, was not consummated till seven years thereafter, the 1st of July, 1851, when Port Phillip was at length proclaimed a separate and distinct colony, under the name of Victoria.¹

During the years 1843, 1844, and 1845, the case of the Bank of Australia, to which I have already alluded, and the fall of which had been equally calamitous and ignominious, necessarily excited great interest in the colony, from the various legal proceedings to which it gave rise, and the extensive ruin it had occasioned. The aristocratic directors of that institution had not only divided among themselves the entire funds of the shareholders, but had borrowed nearly 150,000*l.* in addition, from the Bank of Australasia, one of the English banks, to prevent a falling mercantile house, with which both banks were deeply involved, from tumbling to the ground; and the whole of this large amount, which proved insufficient to prevent the catastrophe, was lost to the bank. The shareholders held a public meeting of their body on the subject, and, like the *drab-coloured men of Pennsylvania*, "repudiated" the debt, on the ground that the directors had no authority, under the charter, to borrow money on their behalf. A lawsuit was the consequence, and the decision of two of the three judges was in favour of the shareholders of the fallen bank. But, on the appeal of the Bank of Australasia, the case was heard by the Privy Council, and the decision of the colonial judges reversed, after the matter had remained in suspense for a year or two.

The case of the shareholders of the fallen bank who had

¹ For my services in obtaining the separation of Port Phillip from New South Wales, the Parliament of Victoria voted me a thousand pounds when Sir Charles Gavan Duffy was Premier, in 1872; which was paid during the following year.

consequently to make up this large amount of defalcation, naturally excited much sympathy; and as many valuable properties throughout the territory had in the meantime fallen into the hands of the Bank from the ruin of the respective proprietors, it was proposed that a lottery should be had recourse to for the disposal of these properties on behalf of the shareholders, as it was alleged that they could not be sold advantageously in any other way. A Lottery Bill was accordingly introduced into the Council for the special benefit of the unfortunate shareholders, and all the usual arguments which expediency can muster so effectually in such cases, especially when public sympathy is in favour of the object, were urged in support of the Bill. It was strongly argued, in opposition to the measure, first, That it was unnecessary, as the properties to be disposed of would bring their value in the usual way of sale; secondly, That it was contrary to the laws of England, in a case in which these laws had merely established a principle of universal application; thirdly, That it was immoral; and, fourthly, That, if passed into law, it would establish a precedent of a very dangerous character for the real welfare of the colony. The measure was carried, however, by a large majority; the only members who voted against it being the Attorney-General, a Roman Catholic; the late Joseph Phelps Robinson, Esq., a member of the Society of Friends, and myself. It was disallowed, however, in England; but by some manoeuvre, of which I am not cognizant, from its having occurred during my own subsequent absence in England, it was actually carried into operation, and the play of *Bish & Co. Redivivi*, with the usual accompaniments, was on the theatre of the colony; a Scotch Highlander, of the name of McDonald, who had been for some time a labourer in my brother's service, having drawn the prize, and thereby obtained a large estate, with a quantity of stock of all kinds, for 4*l.* sterling.

The limits of geographical discovery, both along the coast, and in the interior of Australia, were greatly extended during the government of Sir George Gipps. In the year 1837, Her Majesty's ship, "Beagle," under the command of Captain Wickham, R.N., afterwards Police Magistrate at Brisbane, Queensland, and subsequently under that of Captain Stokes, proceeded, on an expedition of maritime discovery, to the unexplored portions of the coast of Australia, on which she was stationed for the next four years. In the course of this expedition, various important rivers were discovered on the north and north-west coasts, and found available, in a comparatively high degree, for the purposes of navigation. The most important of these was the Victoria river, in latitude $40^{\circ} 26'$ south, and longitude $129^{\circ} 22'$ east. This river was found to be navigable for large vessels for sixty miles from its mouth, and for ninety more, higher up, by the ship's boats; while the country on its banks appeared to be well adapted for the growth of all tropical productions. On the north coast, the Adelaide river, also available for navigation, was found to empty itself into Van Dieman's Gulf, into which the Alligator rivers of Captain King also fall. But the most important discovery of the "Beagle," as far at least as the colony of New South Wales and the future prospects of Eastern Australia are concerned, was that of two considerable rivers, the Albert and the Flinders, both of which empty themselves at the head of the Gulf of Carpentaria. The former of these rivers, which, I have already observed, is in all probability the *Maatsuycker* of the Dutch navigator Tasman, which was originally discovered exactly two centuries before, falls into the Gulf in latitude $17^{\circ} 59'$ south, and in longitude $139^{\circ} 30'$ east. The Albert is navigable, for vessels of thirteen feet draught, for thirty miles from its mouth, and to within five miles of the fresh water: the boats, however, traced it fifty miles farther up, and Captain

Stokes discovered at its head a splendid tract of valuable agricultural and pastoral country, which he named the *Plains of Promise*.

In the year 1838, the Clarence river, the largest on the east coast of Australia, was discovered by certain cedar-cutters, when in search of available timber for the Sydney market. It falls into the Pacific in Shoal Bay, in latitude 29° 30' south. It is about half a mile broad, and is navigable for steamboats about eighty miles up. It has several important tributaries, some of which are also navigable, and there is a large extent of the finest agricultural land on its banks, with an extensive pastoral country behind. The Clarence river was occupied almost immediately after its discovery, and there is now a large and flourishing town, named Grafton, on its banks, to which steamboats ply regularly from Sydney with goods and passengers.

In the year 1840, a respectable Scotchman of the name of M'Millan, who had been exploring the southern interior, in search of more eligible pasture for his flocks and herds, had succeeded in descending through a very difficult country, from the elevated table-land of Maneiro Plains, into the low country towards the south-eastern angle of the continent, where he discovered an exceedingly rich tract of agricultural country, of nearly half a million of acres in extent, watered by a system of lakes and rivers, affording a comparatively large extent of inland navigation for the future colonists. To this region Mr. M'Millan gave the name of New South Caledonia; but he had unfortunately not been expeditious enough in making known his discovery, and the Polish traveller, the late Count Strzelecki, who was then exploring the southern country, having learned the circumstance, and got upon M'Millan's track, claimed the discovery for himself, and secured the credit of it, by naming the country Gippsland, in honour of the Governor.

During the year 1843, there was a strong desire enter-

tained throughout the colony, that an expedition of discovery should be undertaken to the northward, in order to reach either the Gulf of Carpentaria, or the settlement then recently formed at Port Essington on the north coast: and, as stock of all kinds was exceedingly low-priced at the time, while the country was suffering under extreme depression, it was ascertained that a large contribution in the requisite matériel would have been made for the purpose by the colonists generally, in the hope that some favourable opening in that direction might thereby be discovered for the colony. A Select Committee of the Legislative Council, of which I had the honour to be chosen a member, was accordingly appointed, to take into consideration the practicability and the probable advantages of establishing an "Overland Route to Port Essington;" and Sir Thomas Mitchell, the Surveyor-General, who was examined at great length on the subject, was anxious to proceed on the expedition. The Council accordingly addressed the Governor in favour of the object, pledging itself to vote whatever amount might be deemed necessary for its accomplishment. But His Excellency, who was doubtless somewhat incensed at the Council at the time, from the opposition he had himself experienced from that body in the matter of the Schedules and the salaries, and who probably wished to mortify the Opposition members, with whom the idea had originated, refused to place any amount for the purpose on the Estimates, without the previous sanction of the Secretary of State. For such was the miserable state of thralldom in which the colony was then held under Downing Street domination!

In these circumstances, Dr. Ludwig Leichhardt, a German naturalist of the highest attainments, who had arrived in the colony about a year or two before, and whose highest ambition it was at this period to have accompanied Sir Thomas Mitchell's expedition in the capacity of naturalist,

was induced, from the offers of assistance which he received from various quarters, and especially in the northern section of the colony, where he had resided for some time, to organize a private expedition of his own. Dr. Leichhardt started accordingly for Port Essington, from the settlement of Moreton Bay, now Queensland, in the month of August, 1844; his party consisting of only eight persons, including two black natives, besides himself. Sir Thomas Mitchell's idea had been to start from Fort Bourke on the Darling river, about eight hundred miles west of Sydney; but Dr. Leichhardt preferred keeping along the coast range of mountains till he should reach the latitude of the head of the Gulf of Carpentaria, and then striking across to the westward. He had been gone about two months when a report was brought into Moreton Bay by the Aborigines, that he and all his party had been murdered by a hostile tribe of black natives, in a particular locality which they described. A second expedition was accordingly fitted out to ascertain the fact; but although that expedition, which was not particularly fortunate in its composition, had traced the party beyond the spot which the black natives had indicated, it returned to the colony, leaving the matter in uncertainty; and as no tidings arrived from Dr. Leichhardt for more than a twelvemonth from the period of his departure, the general impression was that the whole party had either been murdered, or had otherwise perished in the inhospitable wilderness of the remote interior. A beautiful dirge, composed by his friend, the late Robert Lynd, Esq., then Barrack-Master at Sydney, but afterwards at Auckland, in New Zealand, entitled "*Leichhardt's Grave*," had accordingly been set to music, and sung, and wept over for months in succession, by all the sentimental young ladies of the colony; when suddenly, in the month of March, 1846, Dr. Leichhardt reappeared in Sydney himself, having come direct from Port Essington by sea. He had thus performed



the wonderful and unprecedented feat of traversing for upwards of 3000 miles a country untrudged before by the foot of civilized man—surmounting the most formidable difficulties, enduring the severest privations, and at length disclosing to the world extensive tracts of country, of which the existence was previously unknown, and which are fitted in the highest degree for the subsistence and settlement of European life.

Of the valuable tracts of country discovered by Dr. Leichhardt, the country adjoining the Peak Range, about the twenty-second parallel of latitude, and the Nonda country, to the southward and eastward of the Gulf of Carpentaria, appear to be the best adapted for sheep and cattle; and it is worthy of observation, that the country along the east coast, about the twenty-second parallel of latitude, appears, from the testimony of nautical men, to be the finest part of the whole coast-line. Of the eastern rivers, that is, the rivers flowing into the Pacific, which Dr. Leichhardt discovered and crossed, the Mackenzie² and the Dawson, uniting their waters, form the Fitzroy River, which disembogues in Keppel Bay, near Cape Capricorn, while the Burdekin³ discharges its waters by various mouths into a bay near Mount Elliott, in latitude $19\frac{1}{2}^{\circ}$ south. As the latter of these rivers came from the north-north-west, Dr. Leichhardt, after ascending its valley for a considerable distance, attempted to strike off to the westward, at a lofty conical mountain, to which he did me the honour to attach my name, in $18^{\circ} 22'$ south latitude,⁴ as a westerly course on that parallel would have enabled him to clear the head-

² Named after the late Sir Evan M'Kenzie, of Kilcoy, Bart., who was then a squatter in New South Wales.

³ In honour of the late T. Burdekin, Esq., of Sydney, a friend of the Expedition.

⁴ Mount Lang is a lofty conical mountain of the richest decomposed trap formation, and presenting at its summit the well-formed crater of an extinct volcano.

waters of the Gulf of Carpentaria ; but after being out alone, on horseback, for upwards of fifty hours together, in search of water for his party in that direction, he returned to the encampment unsuccessful, and was obliged to pursue a north-westerly course up the valley of the Burdekin, till he reached the head-waters of that river. He there found an elevated and somewhat broken country, which having crossed, he discovered and passed down the valley of a river, which he found pursuing a north-westerly course, towards the Gulf of Carpentaria, and which he named after his scientific and poetical friend, the Lynd. This river brought him at length into the broad and deep channel of a still larger river, flowing from the eastward, which he named the Mitchell, in honour of the late Sir Thomas Mitchell, Surveyor-General of New South Wales. Leaving this river pursuing its north-westerly course to the Gulf, about the fifteenth parallel of latitude, and turning to the south-westward, he gradually headed the Gulf ; but unfortunately lost one of his party, Mr. Gilbert, the ornithologist, who was speared by the black natives during a night attack upon his encampment on this part of his route. In pursuing his course to the westward, Dr. Leichhardt crossed the Albert river of Captain Stokes, which he recognized as the Maatsuycker of Tasman, and ascertained that the *Plains of Promise*, of the former of these navigators, extended about a hundred and fifty miles east and west, thereby affording a noble prospect for the establishment of a colony at the head of the Gulf. At the south-western extremity of the Gulf of Carpentaria, he discovered and crossed a large river, which he called the Roper, after one of his fellow-travellers ; and he afterwards crossed the South Alligator river of Captain King, which flows into the Gulf of Van Dieman, discovered and named by Tasman, to the westward of the Cobourg Peninsula. At the northern extremity of that peninsula was then situated the now

deserted settlement of Victoria, in Port Essington, which the heroic traveller and his party reached at length, after a singularly perilous and eventful journey of fifteen months.

About 1700*l.* was contributed, as a testimony of respect and admiration for Dr. Leichhardt and his party, by an admiring and grateful colony; to which the Local Government added 1000*l.* from the Land Fund. But this unexpected accession of wealth only served to stimulate Dr. Leichhardt to further enterprises of perhaps still greater daring: for within a year after his return to the colony, he started on a second expedition, to cross the continent, as he told me himself, somewhere about the Tropic of Capricorn, to Swan River on the west coast; but the loss of his cattle, and the sickness of most of his party,—a calamity which overtook him somewhere within the tropic to the north-westward,—compelled him reluctantly to abandon the enterprise for a time, and to return to the colony. Not disheartened, however, by this repulse, he started a second time, towards the close of the year 1847; but as no tidings of any kind have ever been heard of him from that period, the general impression is that he and all his party must have perished at length in the arid desert to the north-westward, if they were not either surprised and murdered by the black natives, or overwhelmed by some sudden inundation in the low grounds of the remote interior. A party, indeed, was subsequently sent out by the Colonial Government, to follow up his track, and, if possible, to ascertain his fate, but without success; and all hope of his return in life has consequently been long since abandoned. While, therefore, the universally lamented Sir John Franklin and his gallant associates fell, as has since been ascertained they did, as martyrs in the cause of science, and left their mortal remains to be embalmed for ages in the ice of the Arctic regions, these kindred spirits, Dr. Leichhardt and his party, have, in circumstances remarkably different,

doubtless met with a somewhat similar fate, leaving their bones to whiten on the sands of the great central desert of Australia.* The beautiful lines of Mr. Lynd⁶ are, there—

* A Scotchman, of the name of Andrew Hume, has indeed very recently alleged that he has found and held intercourse with a brother-in-law of Dr. Leichhardt's, and the only survivor of his expedition. He is a German, of the name of Classen, and is held in durance by a tribe of black natives in the north-western interior. Classen's report is that, in his own temporary absence, Dr. Leichhardt's party mutinied and nearly killed him, seizing his horses and provisions, and setting out on their return to the colony, leaving him half dead. Dr. Leichhardt died shortly thereafter, and Classen has ever since been living with the blacks. Hume, by the latest intelligence, was about to proceed to the north-western interior to attempt to bring Classen, and whatever relics of the expedition may remain, to the colony. For my own part I believe Hume is no impostor, but this, I acknowledge, is not the general opinion.

⁶ "*Lines addressed to the Party proceeding on the track of Dr. Leichhardt.*

"By R. LYND, Esq.

"Ye who prepare with pilgrim feet
Your long and doubtful path to wend,
If—whitening on the waste—ye meet
The relics of my murder'd friend—
His bones with rev'rence ye shall bear
To where some mountain streamlet flows
There, by its mossy bank, prepare,
The pillow of his long repose.

"It shall be by a stream, whose tides
Are drunk by birds of ev'ry wing;
Where ev'ry lovelier flower abides
The earliest wak'ning touch of spring!
O meet that he—(who so caress'd
All-beauteous Nature's varied charms)—
That he—her martyr'd son—should rest
Within his mother's fondest arms!

"When ye have made his narrow bed,
And laid the good man's ashes there,
Ye shall kneel down around the dead,
And wait upon your God in prayer.

fore, more appropriate now than ever, and the reader will doubtless peruse them with additional interest, when he reflects that the gifted writer, like his own friend, the lamented traveller, is now no more.

In the year 1845, the Right Honourable the Secretary of State having been graciously pleased to permit the people of New South Wales to appropriate a few hundred pounds of their own money for the prosecution of geographical dis-

What though no reverend man be near—
No anthem pour its solemn breath—
No holy walls invest his bier
With all the hallow'd pomp of death!

“Yet humble minds shall find the grace,
Devoutly bow'd upon the sod,
To call that blessing round the place
Which consecrates the soil to God.
And ye the wilderness shall tell
How—faithful to the hopes of men—
The Mighty Power, he served so well,
Shall breathe upon his bones again!

“When ye your gracious task have done,
Heap not the rock above his dust!
The Angel of the Lord alone
Shall guard the ashes of the just!
But ye shall heed, with pious care,
The mem'ry of that spot to keep;
And note the marks that guide me where
My virtuous friend is laid to sleep!

“For oh, bethink—in other times
(And be those happier times at hand),
When science, like the smile of God—
Comes bright'ning o'er that weary land—
How will her pilgrims hail the power,
Beneath the drooping myall's gloom,
To sit at eve, and mourn an hour,
And pluck a leaf on Leichhardt's tomb!

“*Sydney Barracks, July 2nd, 1845.*”

covery in the interior, and the Legislative Council having accordingly voted 2000*l.* for the outfit of an expedition to discover an overland route to the Gulf of Carpentaria, agreeably to the suggestions of Sir Thomas Mitchell, that officer started on his journey towards Central Australia in the month of November, 1845, and returned to the colony in December of the following year. In this journey Sir Thomas discovered a splendid tract of mountainous and pastoral country between the 147th and 148th degrees of east longitude, extending from the 26th parallel of latitude to the Tropic of Capricorn, the general elevation being about two thousand feet above the level of the sea. In this tract of country he discovered and crossed the Salvator, the Claude, the Nogoia, and the Belyando rivers, tracing the last of these rivers to $21\frac{1}{2}^{\circ}$ south latitude, and identifying it with the Mackenzie of Leichhardt, who had crossed it much nearer the coast. Returning from this point to his encampment in 25° south, which he conceived he had ascertained to be the dividing line between the interior waters flowing north from those flowing south, he discovered the head of a river considerably to the westward, which, rising in the high land of this parallel of latitude, pursues a north-westerly course for ninety miles, through the finest country he had ever seen in Australia. Sir Thomas traced this river, which he named the Victoria, from latitude 25° south and longitude 147° east, to latitude $24^{\circ} 30'$ south and 145° east; fondly supposing that it would continue its course in the same direction to the Gulf of Carpentaria. Unfortunately, however, this idea was not verified by subsequent exploration; for Mr. Surveyor Kennedy having been afterwards sent out to trace down the Victoria river to its source or termination, found that, a short distance beyond the place where it was left by Sir Thomas, it altered its course to the south-westward, and, after flowing in that direction about one hundred and fifty miles, was at length lost.

great desert of the interior in latitude $26\frac{1}{2}^{\circ}$ south, and longitude $142\frac{1}{2}$ east.

In returning to the colony, Sir Thomas Mitchell followed down another river which he had also discovered pursuing a southerly course, and traversing a fine pastoral country for two hundred miles. This river he very judiciously called by its beautiful native name Maranoa; it falls into the Balonne river, a tributary of the Darling from the westward.

I have already observed that the estimated population of the colony, at the close of the administration of Sir Richard Bourke, was 85,267. By the first census taken during the government of Sir George Gipps, in the year 1841, it amounted to 130,856, and by the quinquennial census of 1846, the last year of his government, it amounted to 187,413; thereby more than doubling itself during the eight and a half years of his disastrous administration.

Sir George Gipps left the colony, for England, on the 11th of July, 1846. A testimonial was attempted to be got up to His Excellency on the occasion, chiefly at the instance of the Rev. Dr. Gregory, the Roman Catholic Vicar-General, to whom and to whose communion Sir George Gipps had been uncommonly liberal at the public expense. But the thing proved a complete failure, as may be inferred from the following article on the subject, extracted from the *Sydney Herald*, of the 11th of July, 1846:—

“SUBSCRIBERS TO THE GIPPS TESTIMONIAL.

“WITH competent assistance, we have taken the trouble to analyze the list of subscribers to the testimonial to His Excellency Sir George Gipps, as advertised in our paper of yesterday.

“We have divided the subscribers into four classes:—1st. *Officials*, including all who receive official emolument from the Government; 2nd. *Obligees*, or individuals who are under personal obligations to His Excellency; 3rd. *Insolvents*, or those who have recently passed through the purifying ordeal of the Insolvent Court; and 4th. *Independents*, or persons who fairly belong to the public proper.

"The result is that the subscribers and the subscriptions come under these classes in the following proportions:—

Officials . . .	77 .	£466 7 0
Obligees . . .	33 .	222 16 0
	110 .	£689 3 0
Insolvents . .	14 .	40 16 0
Independents .	80 .	270 19 0
Anonymous . .	1 .	10 0 0
Total . . .	205 .	£1010 18 0

"It thus appears, that with all the exertions, the strenuous and untiring exertions, of the Very Rev. Dr. Gregory, and with all the influence of the Right Worshipful the Mayor,⁷ exerted through his paid collectors, the utmost that had been accomplished, up to yesterday's advertisement, was, that out of a population of 50,000 souls in the district of Sydney, and 180,000 in the colony, just *eighty* "free and independent" colonists had put down their names for 270*l*.! And, even of these, we know that many were induced to do so by the importunity of the testimonial beggars—an importunity that could scarcely be shaken off without personal incivility."

Sir George Gipps died a few months after his arrival in England, in the year 1847.

⁷ The late Mr. Macdermott.

CHAPTER XI.

VIEW OF THE STATE AND PROGRESS OF THE COLONY UNDER
THE GOVERNMENT OF SIR CHARLES AUGUSTUS FITZROY,
K.G.H.

"The wicked walk on every side, when the vilest men are exalted."
Psalms, xii. 8.

I WAS walking with my late brother, Mr. George Lang, on the bank of the Parramatta river, one beautiful evening in the year 1824, when the late Bungary, chief of the Sydney tribe of black natives, was pulling down the river, in a boat which he had received as a present from the Governor, Sir Thomas Brisbane, with his two jins or wives. My brother accosted Bungary on his coming up with us, and the good-natured chief immediately desired his jins to rest upon their oars. During the short conversation that ensued, my brother requested Bungary to show us how Governor Macquarie made a bow. Bungary happened to be dressed at the time in the old uniform of a military officer; and, accordingly, standing up in the stern of his boat, and taking off his cocked hat with the requisite punctilio, he made a low formal bow with all the dignity and grace of a general officer of the old school. My brother then requested him to show us how Governor Brisbane made a bow; to which Bungary very properly replied in broken English, "'top, 'top; bail¹ me do it that yet; 'top nudda Gubbana come." In short, Bungary could exhibit the peculiar manner of every Governor he had seen

¹ *Bail* is a particle of negation in the language of the Aborigines.

in the colony ; but he held it a point of honour, and perhaps also a measure of sound policy, never to exhibit the reigning Governor.

Bungary was exactly, although perhaps unconsciously, of the same opinion as those eminent French writers, M. Buret de Longchamps and the Abbé Millot ; the former of whom observes that "the criticism of contemporary history is too dangerous, and must be left for our successors ;"¹ while the latter declares it as his opinion that, "generally speaking, the history of kings ought not to be written under their eyes."² To the same general effect, Dr. Fuller, the author of a "History of the University of Cambridge," has also observed, rather quaintly, that "a man may hold a candle to lighten posterity so near as to burn his own fingers therewith." However, as several *nudda Gubbanas* have come since the period we have arrived at in our history, I shall not be violating the late Bungary's judicious maxim by proceeding with our sketches.

Sir George Gipps, having left the colony on the 11th of July, 1846, was succeeded on the 2nd of August, by Sir Charles Augustus Fitzroy, K.G.H., as the tenth Governor of New South Wales ; the government having been administered during the interval by Lieutenant-General Sir Maurice O'Connell, Commander of the Forces, as Lieutenant-Governor.

His Excellency Sir Charles Augustus Fitzroy, was of the ducal house of Grafton ; and my reason for directing the reader's attention particularly to the circumstance is, that it appears to have been the only imaginable reason for His Excellency's appointment to the office he held. At least, the colonists of New South Wales were never able either to

¹ "La critique de l'histoire contemporaine est trop dangereuse, et il faut la laisser faire à nos successeurs."—*Buret de Longchamps*.

² "L'histoire des rois, à parler en général, ne doit pas s'écrire sous leurs yeux."—*Millot*.

discover or to imagine any other. His Excellency had previously been Governor of the island of Antigua, in the West Indies, and, on his arrival in New South Wales, he was accompanied by his lady, the late Lady Mary Fitzroy, a daughter of the Duke of Richmond, and two sons, who had both reached man's estate. Soon after his arrival, Lady Mary, who was much liked, was unfortunately killed by a fall from her curricule; the horses having taken fright, when the Governor was imprudently acting as charioteer, and galloped off with the vehicle.

To all appearance, as well as in the general opinion of the colonists, Sir Charles Fitzroy was a man with neither head nor heart—

"Sans eyes, sans ears, sans taste, sans everything."

By orders from home we had to pay him 5000*l.* a year with various valuable perquisites besides, for governing the colony; but as he was universally understood to be somewhat effete and incapable in matters of government, we had to pay 1500*l.* a year to a colonial secretary, as Governor's keeper; the latter doing most of the work, without sharing the responsibility. From the distinguished position which His Excellency and his two sons—one of whom was his private secretary—held in the colony, they were necessarily the observed of all observers; and their influence on the community, whether for good or for evil, was correspondingly great. That influence, I am sorry to say, was unspeakably evil.

"There is a certain family in this country," says Junius, in his 87th letter, addressed to the Duke of Grafton, "on which nature seems to have entailed an hereditary baseness of disposition. As far as their history has been known, the son has regularly improved upon the vices of his father, and has taken care to transmit them pure and undiminished into the bosom of his successor. In the senate, their abilities have confined them to those humble, sordid services in which the scavengers of the ministry are usually em-

ployed. But in the memoirs of private treachery, they stand first and unrivalled."

Such then was the ducal house, of which Sir Charles Augustus Fitzroy was a scion, and worthy representative: for certain it is that he did not belie its alleged traditions. It may be urged indeed that the personal character of a Governor is a matter of but little importance to the inhabitants of a colony. At all events, the Imperial Government appears to have acted pretty much upon this principle in supplying Governors for the colonies before the war of American Independence; insomuch that the thing had actually passed into a proverb, as in the following couplet of Pope.

"Who, having lost his credit, pawn'd his rent,
Is therefore fit to have a government."

"I confess," says Oldmixon, an American annalist of the earlier part of last century, quoted by Graham, "it gives me a great deal of pain, in writing this history, to see what sort of Governors I meet with in the Plantations."

"It unfortunately happened for our American provinces," says Wynne, an American writer, also quoted by Graham, "that a government in any of our colonies in those parts was scarcely looked upon in any other light than that of an hospital where the favourites of the Ministry might lie till they had recovered their broken fortunes; and oftentimes they served as asylums from their creditors."

It is a matter of much thankfulness for our colonies of the present day, that wiser maxims and a corresponding practice prevail in the nineteenth century; for to use the language of Graham, the historian of America, "No nation, no people, can ever be safely indifferent to the moral character of its political chiefs and leaders."⁴

"The moral principle," says Dr. Channing, "is the

⁴ Graham's History of America, iv. 316.

life of communities." And again, "Liberty has no foundation but in private and public virtue." *Essay on War.*

Lest the reader, however, should suppose that I am actuated individually by hostile or malignant feelings towards His Excellency Sir Charles Augustus Fitzroy, I beg to append to the preceding remarks on this peculiarly unpleasant subject the following quotation from the leading article of the *Empire*, a highly respectable and Liberal daily paper, conducted at that time by the present Premier of New South Wales, and published in Sydney, on the 7th of May, 1852. His Excellency, it appears, had in the interval been visiting one of the settlements in the interior, where, in the usual indiscriminating spirit of colonial subserviency, the auspicious event had been duly celebrated by *fêtes* and shows, in which certain good-natured colonists, who on other occasions had usually affected a high-toned morality, had been taking a part.

"If we wished ill to the personal character of our Queen, and to the stability of her claims on the affections of her subjects, we should promote, not resist, the wicked injuries of the Colonial Office perpetrated in her name, and the appointment of immoral Governors to corrupt the people. A better method of undermining the moral respectability of Her Majesty's name, and the security of the throne, we can hardly imagine, than the modes adopted for the government of most of the colonies of the empire, and the appointments so favourite in Downing Street.

"It does not accord with our notions, that *fêtes* and shows given to a colonial Governor, under the ostentation of loyalty, while the moral character of such a Governor is under a dark cloud of general imputation, are a true mark of respect to the Sovereign whose authority he bears, and whose person he represents. If the Queen be not sufficiently careful in the characters of her servants, she cannot possibly escape the censure herself in some quarter or another of being indifferent to the high claims of morality. If she be ignorant, she ought to know, for she has sworn to govern her vast empire faithfully. If she be told, she ought to be willing to investigate. We have no conception how the cherishing of an immoral servant can fail to reflect some dishonour on the employer. We are

aware that the rule of expediency is the one which prevails in Government departments; but even this rule of expediency is enough to establish our point. It is *expedient* that the Queen's moral character—and she is highly moral and virtuous by all report—should not be misrepresented by immorality. The security of her Government demands this; for it is by the affections and confidence of her people alone that Victoria can be a true Queen, and that the times in immediate prospect will leave her sway unbroken.”

The Principal Secretary of State for the Colonies, during nearly the whole period of Sir Charles Fitzroy's tenure of office as Governor of New South Wales, was Earl Grey. His Lordship's predecessor in that high office, the Right Honourable W. E. Gladstone, had made all the necessary arrangements, before his retirement from office, for the planting of a new Penal Colony on the east coast of Australia, to the northward of the 26th parallel of latitude; and while this measure was in prospect, doubtless to conciliate the colony of New South Wales, an Order in Council was made “at the Court at Buckingham Palace, on the 22nd May, 1840, present, the Queen's Most Excellent Majesty in Council,” in which, after empowering the Governors of Colonies to appoint places whither felons under sentence should be transported, it was added, “provided that neither Bermuda, nor any of Her Majesty's Colonies in *New Holland*, or in the Southern Ocean be so appointed for that purpose.”

The announcement which was thus made of the cessation of transportation to New South Wales, which had by this time greatly outgrown the conditions of a Penal Settlement,⁶

⁶ I had myself given evidence to this effect before a Select Committee of the House of Commons, of which the late Sir William Molesworth was Chairman; for although I cordially approved at the time of Transportation as a secondary punishment, I strongly objected to its continuance in New South Wales and Tasmania. The late Archbishop Whately was present on the occasion.

and was actually receiving very large additions to its population by voluntary emigration from the United Kingdom, gave almost universal satisfaction to the colony; and no objection would at that time have been offered by the colonists to Mr. Gladstone's idea of establishing a new Penal Settlement, with all such improvements of the system as time and experience had suggested in the far North.

But Earl Grey was no sooner in office, than he entirely repudiated Mr. Gladstone's idea of a Penal Colony in North-eastern Australia, and set himself with might and main to revive and to re-establish transportation to New South Wales. The Colonial Government, of course, lent itself for the accomplishment of this favourite object of Earl Grey's in every possible way; and every species of influence was exerted in the cause to satisfy his Lordship. Indeed, till the final settlement of this vexed question, the colony presented the edifying spectacle of the Local Government pulling one way, and the great body of the people pulling another, as if their interests had been contrary and irreconcilable.

A considerable portion of the squatting interest—the proprietors of flocks and herds in the colony—were in favour of the resumption of transportation; and they had a small but influential party, headed by Mr. Wentworth, in the Legislative Council. Many of these squatters were men of standing and education from the mother country, who had merely gone out to the Australian colonies, as adventurers go to the East or West Indies, to make their fortunes and to return to England. Notwithstanding the vast tracts of pastoral country which they held in temporary occupation under their squatting licences—in not a few instances at the yearly rent of the eighth of a penny an acre—very few of them were possessed of the fee-simple of a single acre of ground in the colony. They had, therefore, no permanent tie in it—for very few of them were married

—and no peculiar interest in its moral welfare and social advancement. Besides, a considerable number of these gentlemen were men of aristocratic notions and feelings, who disliked the advances that were evidently making by the middle and industrious classes of the free emigrant population around them, and who felt that their own dignity and self-importance would be much more easily maintained in the country, if there were no middle class in the community at all—nothing, in short, between the master and the slave. And there were also a few of “the old hands,” as they were called, who had been brought up under the convict system, and had acquired a liking for it—especially for the arbitrary power which it virtually confided to the master, and the summary punishments to which it subjected the slave—the fifty lashes, for instance, for insolence, laziness, or disobedience, or for any of the other imaginary or constructive crimes and misdemeanours of the old convict code.

The Governor, Sir Charles Fitzroy, Mr. Wentworth, and the knot of squatters in the Legislative Council, were all therefore strongly in favour of the resumption of transportation; and by the grossest misrepresentations of the state of public feeling on the subject throughout the colony, they succeeded in imposing upon Earl Grey, and confirmed him in his determination to follow his own course.

The measures in contemplation by his Lordship—inexpressibly hateful as they were to the colonists—were announced in the first instance by the Colonial Office in an insidious and somewhat enigmatical language as follows:—“While Her Majesty’s Government were desirous to lessen the number of convicts annually sent to Van Diemen’s Land, they were also disposed to doubt whether it would be desired that the absolute exclusion of transported convicts from New South Wales should continue.”

On the receipt of a Dispatch to this effect—

obtained a Select Committee of the Legislative Council in October, 1846, "to inquire into and report on the Dispatch of the Secretary of State for the Colonies to Governor Sir Charles Augustus Fitzroy, of date, 30th of April, respecting the renewal of Transportation." These insidious movements speedily aroused the colonists to a sense of their danger, and an immediate effort was accordingly made to counteract them, the following Resolution having been unanimously adopted at the first Anti-Transportation Meeting, which was held in Sydney, on the 22nd of October, 1846, under the presidency of Mr. (now Sir) Charles Cowper :—

"That this Meeting had heard with the deepest feeling of alarm and regret that it was proposed to renew the system of Transportation to this Colony, and they could not conceive any circumstances under which such a measure would be desirable or justifiable."

Acquiring renewed confidence, however, from the unscrupulous misrepresentations of the state of public feeling throughout the colony, which had emanated from the Governor and the Wentworth clique of the Legislative Council, Earl Grey informed His Excellency, in a Dispatch of the 8th September, 1848, that "he proposed at once recommending to Her Majesty to revoke the Order in Council by which New South Wales was made no longer a place for receiving convicts under sentence of transportation." At the same time it was announced that a ship laden with convicts was about to be sent out from England to New South Wales.

These announcements raised a perfect storm of indignation throughout the Colony, and a public meeting was forthwith held in Sydney, in the month of March, 1849, to protest against Earl Grey's Dispatch, and the renewal of transportation to the Colony in any form. At that meeting the principal speakers were Mr. (now the Right Honourable)

Robert Lowe, Mr. (now Sir) Charles Cowper, afterwards repeatedly Colonial Secretary and Premier of New South Wales, and the Rev. Mr. McEncroe, a popular Roman Catholic priest in Sydney. The last-mentioned speaker stated with great applause that, rather than submit to such treatment as the Colony was then receiving from Earl Grey, they would *cut the painter*, or in other words declare their entire freedom and independence, as the American Colonists had done in 1776. This idea has since been very generally ascribed to me as its author, but it was put forth, as I have stated, at this and various other public meetings which were held in the Colony when I was in England.

The ship "Hashemy," with two hundred and twelve convicts on board, the first of Earl Grey's intended fleet for New South Wales, arrived in Port Jackson on the 8th of June, 1849. Immediately on her arrival another public meeting, of a more determined character, and with a much more numerous attendance, was held to take the subject into consideration, in an open space in sight of the harbour and of Government House; the late Robert Campbell, Esq., one of the oldest merchants of Sydney, afterwards one of the representatives of the City in the Legislative Assembly, and subsequently Colonial Treasurer, and one of the Ministers of the Crown, in the chair. So general was the excitement on the occasion, that, although the weather was very unfavourable on the day of meeting, from four to five thousand people, including a large proportion of the citizens, attended the meeting, the proceedings of which were respectful and decorous throughout. Nay, so alarmed was the Local Government at the magnitude and object of the assemblage, that a ship of war in the harbour was ordered to have her guns brought to bear upon the place of meeting, while the guard at Government House was doubled. And yet, in a Dispatch to Earl Grey, which was written to His Excellency the Governor on the occasion, and was

was immediately published by his Lordship in a parliamentary paper, contrary, no doubt, to His Excellency's expectations, the meeting was characterized as an insignificant assemblage of only a few hundred people, and the large number of respectable citizens who had attended it were designated *the mob*. The accidental discovery of this Dispatch in a copy of the Parliamentary paper which had been sent out, in the usual course of business, to a public library in Sydney, during the year 1850, occasioned a prodigious excitement throughout the colony, and especially in the city of Sydney; where another and still larger public meeting was held in the same place, under the presidency of the same chairman, to denounce the Dispatch as an untruthful and unfounded representation of the facts of the case, and to solicit the immediate recall of the Governor, and the removal of Earl Grey from Her Majesty's Councils.

The following was the first of the Resolutions passed at the meeting in question, viz.:—

“That considering the arbitrary and faithless manner in which the colony has been treated by the Right Honourable Earl Grey, the meeting humbly prayed Her Majesty to remove that nobleman from Her Majesty's Councils.”

Mr. Lowe was present at the meeting, and made a brilliant speech in moving one of the Resolutions.

At an early meeting of the Legislative Council which ensued, John Lamb, Esq., R.N., a merchant in Sydney, and at the time a Nominee member of that body, submitted to the Council a motion to the effect that a humble Address be forwarded to Her Majesty in Council, praying,—

“That the Order in Council which declared New South Wales a colony to which convicts might be sent, might be forthwith revoked.”

But instead of allowing the question to be put to the vote at once, the Pro-transportation party, headed by Mr.

Wentworth, succeeded in carrying an adjournment of the Council for one month, that the colonists might have another opportunity of expressing their opinions and desires on the subject. Another great public meeting, the largest that had ever been held in the colony, was accordingly held in the Barrack Square, Sydney, to discuss the subject once more and to embody the sentiments and wishes of the community in a petition to the Legislature. I had, in the meantime, returned to the Colony, after a three years' residence in England, whither I had gone in the year 1846 for purposes materially involving the welfare and advancement of the Colony, which I shall state more particularly in the sequel. There happened at this particular time to be a vacancy in the representation of Sydney, which then returned only two members to the Legislative Council; and notwithstanding the utmost efforts of the Government, Mr. Wentworth and the other Pro-transportation squatters, combined, I was returned by a large majority over their opposing candidate, and forthwith took a prominent part in the great public meeting on Transportation. The petition submitted to that meeting, and embodying, as it did, the strong and indignant protest of the community against the attempted resumption of transportation to New South Wales or to any part of the east coast of Australia from Cape Howe to Cape York, was accordingly adopted by the meeting and passed unanimously; and shortly after the reassembling of the Council after the adjournment, I was deputed, as one of the members for the city of Sydney, to present it to the Council. It was the most numerous and respectfully signed petition that had ever been presented to the Colonial Legislature; containing the signatures of persons of all classes, grades, and professions throughout the territory, to the number of 36,589, while the counter-petitions, in favour of the resumption of transportation, had received only 53 signatures altogether. There was no mistaking or res

this demonstration of public opinion; and accordingly, after a long, well-sustained, and memorable debate, in the progress of which the public interest was maintained throughout the territory at the highest pitch of excitement, the Pro-transportation members, making a virtue of necessity, retired from the Council Chamber, after the example of the anti-reform Peers, on the memorable occasion when the Reform Bill passed the House of Lords, and the Address to the Queen for the revocation of the obnoxious Order in Council was passed unanimously. The Address was accordingly transmitted to Her Majesty through the usual channel, and the Order in Council, declaring New South Wales a place to which convicts might still be sent, was forthwith revoked. Such was the grand finale of the Anti-transportation war in New South Wales; for although Earl Grey continued to threaten the colony with the resumption of transportation, so long as he held office, the discovery of gold in May, 1851, very soon put an end to all such efforts, and rendered any further agitation on the subject quite unnecessary.

The final meeting of the Legislative Council on the Transportation question was characterized by an incident somewhat amusing, which I may be permitted to relate. In a remote colony, of which the anti-popular Government had nearly half a million a year to distribute in one way or other, without the consent or concurrence of the people, as was the case in New South Wales at the period in question, there will always be plenty of expectant lick-spittles to abet the most unprincipled procedure of any Government, and to denounce the friends and advocates of the people. A handful of persons of this kind, led on by a candidate for the magistracy, in one of the remotest corners of the colony at the time, accordingly took advantage of this favourable opportunity to express their *approbation*, forsooth, of the Governor's Dispatch to Earl Grey, and their condemnation

of the citizens of Sydney in their efforts to prevent the resumption of transportation. In alluding to the address of these sycophants of the remote interior to His Excellency the Governor, at the great public meeting in the Barrack Square, I had stated that the address of these gentlemen reminded me of the speech of Balaam, the prophet's ass, as it might be summed up in these expressive words to His Excellency, "Are not we thine ass?" that is, "Are not we thy property, and hast not thou a right to abuse us in thy Dispatches to Earl Grey, and to belabour us as it pleaseth thee?" This harmless allusion, which was remarkably well received by the great meeting, as an illustration of the thoroughly abject and servile spirit which the transportation system had produced in certain quarters in the colony, was characterized, however, with great bitterness "as a profanation of Scripture" by Captain (afterwards Admiral) King, R.N., of whose two voyages of discovery along the coasts of Australia I have had occasion to make honourable mention under the administration of Governor Macquarie, but who was then a Nominee and Pro-transportation member of the Legislative Council. In my reply, I complimented the honourable and gallant member on the discovery he had made, viz. that in comparing the address from Mudgee to the speech of Balaam's ass, I had been guilty of a profanation of Scripture; adding that, in my humble opinion, it was the greatest discovery he had ever made on the coasts of Australia, and I hoped he would not forget it in the next edition of his book. To use a nautical phrase, I never saw any person so completely "taken all aback" as the honourable and gallant member was on the occasion. He seemed as if he would have shrunk into a nutshell if he could, and I felt quite sure that he would never risk his reputation on any more discoveries of the kind.

Before finally dismissing this important subject, I may be permitted to mention an incident of a somewhat memo-

rable character, to which the subsequent efforts of Earl Grey in the transportation cause gave occasion. The four colonies of New South Wales, Victoria, Van Dieman's Land or Tasmania, and South Australia (for Queensland was not then in existence as a separate colony)—had in the mean time formed a League for the discontinuance of transportation to all these colonies; and Victoria in particular had sent home the late John C. King, Esq., previously Town Clerk of Melbourne, as their delegate on the subject to Earl Grey and the Imperial Parliament.

In the month of March, 1852, the colonists universally were suddenly aroused from the state of indifference into which they had fallen for months previously, through the gold discoveries, in regard to the transportation question, by the account of an interview which Mr. King had had with Earl Grey on the subject, and of which he had forwarded an official report to the colony, corrected by his Lordship's own hand. In that interview, after making certain remarks peculiarly offensive to the colonists generally—as, for instance, that the convicts who were sent out under the then present system of management at Pentonville and Portland, “would in many instances be found to bear a very favourable comparison with the free emigrants who went out under the bounty system,”—his Lordship said that “he could hold out no hope that transportation to the originally convict colony of Van Dieman's Land would be abandoned, nor that the Government would not continue to send transported offenders to such other of the Australian colonies as had consented, or might hereafter consent, to receive them.”

These peculiarly offensive announcements naturally produced a prodigious ferment in Sydney and Melbourne, and awakened a feeling of the deepest indignation and exasperation throughout the colonial communities. A great public meeting of the members of the League, as well as of the

colonists generally, was accordingly held in Sydney, on Tuesday, the 6th of April, 1852, and the leading idea that was put forth by almost every speaker on the occasion, and that was loudly and enthusiastically cheered by the meeting, was that of "cutting the painter," or proclaiming the entire freedom and independence of the Australian colonies. Now I have no hesitation in expressing it as my belief and conviction, that it was the obstinacy and infatuation of Earl Grey on this transportation question, conjoined with the wretched policy of his Lordship in his previous misgovernment of the Australian colonies, that implanted this new idea, so congenial to the spirit of British freemen, in the minds of the colonists, from which, I am fully persuaded, it will never be dislodged. On the contrary, like the leaven which the woman hid in three measures of meal, it will leaven the whole lump of our colonial community, until the birth of a new and great nation, which is destined to extend the illustrious name, the noble language, the equitable laws, and the Protestant religion of Britain over the Southern hemisphere, is at length announced far and wide to the whole civilized world.

And why should the prospect of such a consummation excite either hostility or apprehension in the minds of Britons either at home or abroad? It is the law of Nature, and the ordinance of God for the government of this lower world, and for the welfare and advancement of society on earth, that colonial communities, as well as individual men, should be left to manage their own affairs when they reach their majority; and so far from its being at all likely to be any loss to the mother country that this law of nature, this ordinance of God, should be fulfilled, I am fully persuaded that Australia, if free and independent, would be incomparably more valuable to Great Britain, as a mart for her commerce, a field for the growth of raw produce for her manufactures, and an eligible outlet for her redundant

population of all grades and classes, than it will ever be as a series of British colonies.*

I have already alluded to the enormous abuse, in regard to the appropriation of the land revenue of the colony, which had taken place with the sanction of authority during the government of Sir George Gipps, previous to the state of collapse which the colony underwent in the years 1842, 1843, and 1844. From the 1st of January, 1841, to the 30th of June, 1842—when immigration at the public expense entirely ceased for a time, in consequence of the complete exhaustion of the Land Fund—there had been imported, at the expense of the colony, not fewer than 25,330 free immigrants from the United Kingdom. But of these immigrants not fewer than 16,892, or two-thirds of the whole number, were natives of Ireland, chiefly Roman Catholics, from the South and West, while only 8438, or one-third of the whole number, were from England and Scotland together. It was not to be supposed that zealous Protestants of any communion could stand tamely by and see such a process as this, the result of the grossest misgovernment, in progress, and their adopted country thereby transformed at their own expense into a mere province of the Popedom, without mingled feelings of indignation and alarm. For the progressive developments of the Papacy in Australia kept pace with this enormous influx of Irish Roman Catholic immigration: the priest was transformed into a Bishop, and the Bishop into an Archbishop, with a whole bevy of suffragans, and the usual staff of nuns and eremites; while the genuine Irish priest and his "Tipperary boys" were always at hand to disturb or to put down by mere physical force any public meeting the objects

* See this idea wrought out in all its bearings in a work entitled "The Coming Event; or, Freedom and Independence for the Seven United Provinces of Australia." By the Author of this work. Sampson Low and Company, London, 1870.

of which were at all at variance with the cause of Romish predominance. Nay, the zealots of that system of priestcraft and intolerance were everywhere predicting that there would speedily be a great change for the better in the colonies, as the country would soon be all their own ! In short, "Papal Aggression" had exhibited itself in a really formidable development in Australia, before it was heard of in England. It had fixed itself upon the extremities in the first instance, before it ventured to strike at the head and the heart.

In the year 1845, when the colony was beginning to recover its usual tone, and there was some prospect of the resumption of immigration at the public expense, I resolved, with the concurrence of certain zealous Protestant friends, both in New South Wales and Port Phillip, to proceed to England for the sixth time, to endeavour, if possible, to give an impulse to *Protestant* emigration from the United Kingdom, so as to prevent our adopted country from being transformed into an Irish Roman Catholic colony. That I might be enabled, however, to point out, from personal observation, the extraordinary capabilities of Australia as a field for British emigration to intending emigrants in the mother country, I made extensive tours beforehand both in the northern and southern divisions of the colony—in what are now the great provinces of Victoria and Queensland.

On my visit on that occasion to the district of Moreton Bay, now Queensland, in the month of November, 1845, I was greatly struck at the healthy and vigorous appearance of a few cotton plants which I found growing, merely as an article of curiosity, however, in the garden of a respectable colonist in the town of Brisbane ; for as I had previously seen the plant under cultivation in the Brazils, and had also visited the cotton-growing States of North America, I was enabled, from the knowledge I had thus acquired of its nature and habits, to pursue the proper train of inquiry

with a view to ascertain its general adaptation to the soil and climate of a country in which all the other descriptions of field-labour were performed by Europeans, with perfect safety to their health and with perfect facility. The result of these inquiries was my decided conviction that cotton cultivation was well adapted to the soil and climate of that portion of the Australian territory, and that this commodity, of prime necessity for the manufactures of the United Kingdom, could be grown to any conceivable extent at Moreton Bay, and in the country immediately to the northward and southward, by a European population. I ascertained, moreover, that, whereas the cotton plant is an annual in America—being destroyed every winter by the intense frost of that country, and requiring to be reproduced from the seed every spring,—it is a perennial in Australia, while the produce of the second year is superior both in quantity and quality to that of the first.

I had also observed, on my visit to Moreton Bay, on that occasion, that the sugar-cane was equally adapted to the soil and climate of that region, and could be cultivated, equally with the cotton plant, by European labour.

On my arrival in England, I accordingly submitted the idea I had thus formed of the practicability of growing both cotton and sugar by means of European labour in Australia, to gentlemen of the highest standing in the commercial world in London, in Manchester, and in Glasgow. But my ideas on the subject were uniformly received with absolute incredulity; and it was regarded everywhere as a thing simply ridiculous and absurd—the idea of a fool or a madman—to suppose that sugar and cotton, the peculiar products of the East and West Indies, could be grown in Australia, and especially by European labour. But my ideas on the subject, I am happy to say, have at length been fully justified, and my fondest anticipations abundantly

realized. For so successful has been the experience of Queensland, since its separation from New South Wales, in the cultivation both of the cotton-plant and the sugar-cane, that cotton and sugar are now two of the regular staple products and exports of that colony as well as wool and gold. In the year 1872, there were upwards of two thousand acres of land under the sugar-cane in Queensland, with a whole series of sugar-mills, the property both of Joint Stock Companies and of private individuals, while not fewer than six thousand bales of cotton, chiefly the product of European labour, were exported to England.

In regard to the main object of my visit to England, on that occasion, viz. to give an impulse to Protestant emigration from the United Kingdom to Australia, I spent nearly three years in the mother country—lecturing on the subject of my self-imposed mission in numerous important localities in the United Kingdom; circulating books and pamphlets which I had written for the purpose, and contributing numerous papers, illustrative of the physical character of the country and the prospects it held forth to emigrants, to the periodical press of the United Kingdom. And occurring as my visit to England, and these efforts on behalf of emigration to Australia, had done, so very shortly before the era of the gold discoveries of New South Wales and Victoria, there is no doubt that they attracted the attention of myriads of reputable and intelligent persons to the subject of emigration to Australia, to whom it would never otherwise have occurred.

In a visit which I paid to the North of Scotland, and the Orkney and Shetland Islands, for the purposes of my mission, I happened to be a fellow-passenger in a steamboat from Leith to the northward with Lady Franklin, who was then visiting these regions in quest of information among the whalers in the North respecting her unfortunate husband, Sir John. I had become acquainted with her Ladyship

and Sir John, who was then Governor of Van Dieman's Land, now Tasmania, during a clerical visit I paid to that island in the year 1841 ; and I accordingly escorted her Ladyship to the places and persons she required to visit, in Aberdeen, in Wick, in Kirkwall, in the Orkney Islands, and in Lerwick, in the Shetland Islands. Lady Franklin sympathized very cordially with my object, as I had done with hers, and, being well acquainted with the Australian colonies, she had a regular levée at the inn at Lerwick, during her stay in the Shetland Islands, of young women, the natives of these islands, inquiring about how they could get out to Australia. It is a remarkable fact that there is a greater redundancy of female population in the Orkney and Shetland Islands than perhaps in any other part of the British Islands. For as the male population of these islands generally take to the sea as they grow up, either in whalers, or in vessels trading to North America or the colonies, many of them perish at sea, and many others settle abroad and never return to their native land. The proportion of widows, as also of young women, is therefore unprecedentedly great in these islands, of whom thousands would at that time have been glad to emigrate to Australia. Unfortunately, however, there were no funds then available from the Land Revenue of New South Wales for the emigration of females from the Orkney and Shetland Islands to that country ; for Earl Grey and his agents, the Emigration Commissioners, had been engaged the meanwhile in inundating the colony with Irish female emigrants, under the *fanciful* designation of orphans, who were sent out in whole ship-loads to the number of 2219, during the eighteen months ending on the 13th June, 1849, at the expense of our Land Fund, for the *express purpose of transforming the country into a province of the Popedom.*⁷ For, as at least ninety-five per cent. of these

⁷ This Irish Female Orphan Emigration was effected by Earl Grey, in direct contravention of a principle embodied, at my suggestion, in

females were Roman Catholics, it was shrewdly calculated by the Romish authors of the scheme, that most of them would in due time get married to Protestants, and that, as the priest had got Bridget and Norah already, he would, of course, get the "childher" also. Not that Earl Grey and the Office could have any such design, they were merely the innocent dupes and tools of those who had; for there can be no doubt that there was such a design, and that it was well understood by the initiated. Although such a revelation was scarcely necessary, it oozed out accidentally from certain of the priests when they were off their guard. At all events, this Irish Female Orphan Immigration had at length become such a nuisance in the colony, that protests were sent home against it again and again, particularly by the Town Council of Melbourne, and by the Legislative Council of New South Wales.

It was indisputably necessary, for the accomplishment of the objects I had in view in my visit to England in 1846, that I should be enabled to collect a body of intelligent and thoroughly Protestant emigrants to form the nucleus of a community for the growth of cotton and sugar by means of European labour at Moreton Bay. The first difficulty in the way—and it was, doubtless, a serious one—was to overcome the reluctance of intelligent Britons to emigrate to a country in so low a latitude as $27\frac{1}{2}^{\circ}$ S.; such a thing being unheard of before in the history of British colonization, with the exception, perhaps, of negro-drivers going out to the West Indies. But there was another, and a still more formidable, difficulty in the way. The Emi-

the Report of the Legislative Council (of New South Wales) on Immigration for the year 1845 (Sir Charles Nicholson, Chairman), to the following effect:—"Whatever number of emigrants may henceforth be introduced" (that is, by the Government, at the public expense) "ought to be derived in equal proportions from the three kingdoms."

gration Commissioners had been authorized, at the time in question, to send out emigrants to New South Wales to the extent of 100,000*l.* in passage-money, on account of the Colonial Land Fund. But there was a strong prejudice at the time on the part of reputable persons in the mother country against the emigration effected by the Commissioners, as it was regarded as a pauper emigration, and the people I had induced to embark in the undertaking were both able and willing, for the most part, to pay their own passage, provided they could get an equivalent for it in land on their arrival in the colony.

Besides, my particular object in identifying myself with this scheme of emigration, independently of its thoroughly Protestant character, was to recommend and establish a principle which I had learned from long experience and observation was of transcendent importance for the colonization of Australia, viz. that each emigrant paying his own passage out should be entitled to a bonus in land at least equivalent in value to its cost.

Determined, therefore, that this important experiment, in the issue of which it appeared to me that the happiness of future myriads of my fellow-countrymen of the humbler classes in the mother country was involved, should be made in some way during my stay in England, I waited upon Mr. Hawes, who was then Under Secretary of State for the Colonies, first at the Colonial Office, and afterwards at his own house in Brighton (whither I went from London by the railway, for the express purpose, during the summer of 1848), to ask him whether, in the event of my being enabled to send out a number of suitable families to Moreton Bay, for the purpose I have stated, the Local Government would have it in its power to allow an equivalent in land for the expense incurred in their passage out; to which Mr. Hawes at once replied—for he would not do otherwise—that *it would*.

I accordingly selected a body of emigrants, to the number of 250 altogether, who sailed from London in the month of September, 1848, per the ship "Fortitude," and arrived at Moreton Bay in January, 1849, *to form the nucleus of a sugar and cotton-growing population for Great Britain in Australia.* And as this was too small a number of people to form a community with a sufficient moral force to make the requisite impression on the district, and to insure the requisite success, I was enabled to send out other two ships, with emigrants of the same class and character, to the number of about 600 altogether, in the year 1849.

These emigrants were selected on much the same principle as that on which Cromwell selected his first troop : they were all, or nearly all, Christian people, members of evangelical churches, and exemplary in their character and conduct. As an illustration of the principle on which they were selected, I give the following instance :—A reputable tradesman, in one of the eastern counties of England, applied to me for permission to join the corps of Christian emigrants proceeding to Moreton Bay. His letter was remarkably well written for a person of his class ; and he told me in it that he was one of the candidates for the prizes that were then offered to the working classes for the best Essays on the *Sabbath* : but he was poor, and he had ten or eleven children, and all the money he could raise towards his passage was 30*l.* This amount, I afterwards learned, had been offered him by the parish to which he belonged, to assist him in effecting his emigration ; for although he had never received parochial assistance, and was highly esteemed as a reputable and Christian man, it was feared that, with so large a family, he might eventually require such assistance. I need scarcely add, that I allowed this large family to proceed by the "Fortitude," although the amount paid on their account did not exceed from one-

fourth to one-third of the cost of their passage ; and there were so many cases of a similar kind, that, when the ship sailed at length, I was under obligations, for her outfit, to the extent of 130*l.* over and above the whole amount paid by the passengers, besides all my own labour and personal expenses.

An emigration of so unusual a character, and of so considerable an amount, could not fail to make a strong impression upon the district to which it had been directed ; especially as the entire population of the Moreton Bay district was at that period comparatively small.* It did so accordingly, and well-disposed persons of all classes acknowledged and rejoiced in the extraordinary result. The town of Brisbane, the capital of the Moreton Bay district (which had originally been a penal settlement), had

* Bourrienne informs us, in his *Life of (the first) Napoleon*, that on some occasion, when the Emperor had ridden, with several officers of his staff, to an eminence on the bank of a river, to reconnoitre the fortified position of the enemy on the opposite bank, the latter, observing the knot of officers, and suspecting their object, pointed one of their guns at them and fired. The ball entered the mound at their horses' feet, ploughing up the soil in its progress, but doing them no harm. "Gentlemen," said Buonaparte to his officers, on observing the fortunate mistake which the enemy had made, and turning it to account for future use, "there ought always to be ten or twelve shots fired on such an occasion, as they will then be sure to take effect." So is it also with the moral effect of emigration. A single family or individual going to any colony will be comparatively powerless ; but a community of the right description will scarcely fail to be powerfully influential. But even a community of this kind will have but a comparatively limited influence, if the place of its settlement is in the midst of a large population of a different character. To produce the full moral effect which it is capable of producing, it must be planted where the population is comparatively small, and where it will therefore be able to give the proper tone to society from the first ; for it is much easier to *maintain* a high moral standard in any community than to *establish* such a standard where a lower one has been previously recognized.

previously been one of the most dissipated and disorderly towns in the colony: it was speedily transformed into one of the most orderly and exemplary in the country. For as the humbler portion of the emigrants took employment of any kind, and saved up their earnings for the benefit of their families, the dissipated characters in the place, who had previously depended on their occasional labour for their subsistence, were employed no longer, and had, consequently, to betake themselves to the sheep-stations in the interior, while the public-houses had, in several instances, to *shut shop*.

The emigrants who had settled in and around the town of Brisbane, which is beautifully situated on the left bank of the Brisbane river, about fifteen miles from its embouchure in the Bay, had, during the year 1851, erected a remarkably neat and commodious church—a brick building of 60 by 40 feet—in a picturesque situation overlooking the beautiful river, which is there a quarter of a mile broad. Consisting, as they did principally, of Scotch Presbyterians and English Nonconformists, they had called their church simply an Evangelical Church: their pastor being the Rev. Charles Stewart, an able and highly acceptable evangelical minister, from the University of Glasgow, whom I had sent out with them per the “Fortitude.” I happened to visit the district in November, 1851, and was requested to officiate for Mr. Stewart (which I did accordingly) during my stay; and as I looked around on the numerous and respectable congregation of Christian people who were assembled on the occasion, and contrasted the state of things which the place then exhibited with what I had seen and heard of it on my first visit six years before, I could not help feeling peculiarly gratified. Indeed, the consciousness of having been instrumental in planting a Christian community like the one I then saw around me, in such a moral wilderness, was a sufficient compensation for all the hardships and sufferings which I had to undergo on its account.

When the Christian community, which had thus been formed in Brisbane, had become sufficiently numerous and wealthy, it separated quietly into the three denominations of which it had originally consisted ; disposing of the common property, and dividing it equally among the three, each of which—Presbyterians, Independents, and Baptists—erected a respectable place of worship for itself.

As to the political influence which these emigrants were enabled to exercise in their adopted country, they had entered so warmly into the spirit of the Anti-Transportation movement, and taken so prominent a part at public meetings that were held on the subject, both at Brisbane and Ipswich, the two principal towns in the district, in opposition to the convict-policy of Earl Grey, that they were mainly instrumental in returning two Anti-Transportation members to the Legislative Council, for the principal localities of their district, notwithstanding the utmost efforts of the Local Government and the Squatters to prevent them. And it was chiefly through their influence in 1862, after Queensland had been separated from New South Wales, that the discontinuance of all State Aid for religion was effected in that colony, as well as in New South Wales.

The principle, of which I was thus earnestly desirous of obtaining the recognition and establishment in New South Wales, as a measure of transcendent importance to the mother country as well as to all the Australian colonies, viz. that each emigrant from the mother country paying his own passage out, or having it paid for him by any private friend or employer, should be entitled to a *bonus* in land at the minimum price, at least equivalent to the cost of his passage out—this invaluable principle, as I shall show it to be in the sequel, for the promotion of British colonization, has hitherto been entirely repudiated by the Government of New South Wales, with such results as I shall indicate hereafter. But the principle itself was so highly approved

of, not only by my emigrants, but by the whole community in the Moreton Bay district, that one of the first measures that were passed by the Local Parliament after the separation of the Moreton Bay district from New South Wales, and the establishment of the colony of Queensland, which took place on the 10th December, 1859, was a measure to enact it as the law of the land in that colony. In the First Session of the first Parliament of Queensland, held in the year 1860, the following clause was embodied in the Land Law of the colony, and the Colonial Secretary, Mr. Herbert, informed the Assembly, when submitting the measure to Parliament, that the principle it involved had not emanated from the Government, for "Dr. Lang might fairly claim to have been the promoter of the Land Order system."*

Before leaving England, on my return to the colony, in November, 1849, I addressed a letter to Earl Grey on the subject of his Lordship's misgovernment of the Australian

* The following is the clause alluded to above in the First Land Act of the Parliament of Queensland :—

"20. *Land Orders may be given to Immigrants.*—It shall be lawful for the Governor, with the advice of the Executive Council, to issue to any adult immigrant, who shall have come direct from Europe to the colony of Queensland, but not at the expense of the said colony, or to the person who shall have paid for the passage of such immigrant, a Land Order for the amount of 18*l.*, and after such immigrant shall have resided not less than two years continuously within the said colony, and if not previously a British subject, shall have been naturalized, then to issue to such immigrant a further Land Order for the amount of 12*l.* Provided that two children over the age of four and under the age of fourteen respectively, shall be reckoned as one statute adult under this Act. Provided also that every such immigrant shall have complied with and shall be of the class comprised within the Immigration Regulations for the time being in force in the said colony."—"Queensland Hansard" for 1864, vol. i. p. 293. The Act of 1860 was slightly amended in that year, but Mr. Herbert had entered much more at length into its origin and history when it was first submitted to Parliament in 1860.

colonies, during the three years he had then held office ; in which—adopting, as I did, the ideas and the language that were then prevalent, and uniformly put forth with loud applause at all public meetings on the Transportation question—I gave his Lordship to understand that his insane attempts to force back the colony of New South Wales into the degrading condition of a convict colony were merely preparing its inhabitants for their entire separation from the mother country ; and letting him know, in a firm but respectful manner, that British colonists would not stand such treatment much longer—that they took it all the worse from his Lordship, after the many professions, as a colonial reformer, which he had made and belied—and that as I felt confident they would take their own case into their own hands, and right themselves at length in the only way that was left for them, his Lordship would find them a very different sort of people from the Irish incapables of Ballingarry.

It has been alleged, indeed, that my letter to this effect was a gross exaggeration of the state of public feeling in the colony at the time. But it must be borne in mind that the idea of “cutting the painter,” or declaring their entire freedom and independence—an idea which I have shown did not originate with me—was a very popular one at the time in all the four Australian colonies that were then leagued together for the abolition of transportation to all these colonies, and was in every person’s mouth. Nay, in one of the numerous and most respectably signed petitions of the period, praying for the removal of Earl Grey from Her Majesty’s Councils, the petitioners state that “they would not disguise from Her Majesty the persuasion that what was lately but a grievance was ripening into a quarrel, and their opinion that the continuance of transportation, in opposition to the united resolution of Australasia, leagued together against it, would peril the connexion of these colonies with Great Britain.”

I was therefore neither misrepresenting nor exaggerating the state of public feeling in the colonies when, in the conclusion of my letter—which I may state no sooner reached the colony of Victoria, in which the Anti-Transportation feeling was unusually strong, than it was printed and circulated all over the colony—I was therefore neither misrepresenting nor exaggerating the state of public opinion in the colonies when I addressed his Lordship in the following language in the conclusion of my letter :—

“As far as regards the Australian colonies, your Lordship has for three years past been knocking at the gate of futurity for the President of the United States of Australia: be assured, my Lord, he is getting ready, and will shortly be out ; and he will astonish the world with the manliness of his port and the dignity of his demeanour. As in duty bound, he will make a profound obeisance to your Lordship, in the first instance, in grateful acknowledgment of the concern which your Lordship has had in his paternity. He will then take his place in the great family of nations, with a proud consciousness of the brilliant career upon which his country has entered when delivered at length from the baleful domination of Downing Street. He will require no soldiers to enable him to keep his seat, like Louis Napoleon. He will have no foul blot of slavery to defile his national escutcheon, like Zachary Taylor.”¹

As a copy of this letter was forwarded, through some friend, to one of the London papers, it made the complete tour of the press of the United Kingdom, and was commented on variously, according to the politics and predilections of each particular paper. It naturally raised the indignation of Downing Street to fever heat ; and a plan was accordingly concocted, with the assistance of the Emigration Department, to get me put down in the colony by

¹ Then President of the United States.



the Local Government. Earl Grey accordingly wrote, or at all events signed, a letter to the Governor, on the subject of my efforts and exertions in the matter of emigration to Moreton Bay, couched in such unmeasured terms concerning myself, that the law officers of the Crown actually informed his Excellency that if the Local Government ventured to publish his Lordship's letter in the colony, I could indict them on an action for libel ! The letter was accordingly published as a *Council Paper*, under the *protection* of the Local Legislature, which consisted at the time, to the extent of one-third, of Government nominees, and of more than another third of persons completely under the influence of the Local Government.

In particular, the Local Government were directed by his Lordship not to give the emigrants who had gone out under my auspices any land, which the Local Executive had full power to have done otherwise. A charge of direct falsehood was also urged against me, because Mr. Hawes *did not recollect* the purport of the conversation he had had with me at Brighton, as stated above—as if the careless *Non mi ricordo* of that gentleman, as to a matter in which he evidently took no interest whatever, was to be taken as equivalent to my positive testimony as to what he did say to me, when I went to Brighton expressly for the purpose of ascertaining the point, carrying with me a map of the Moreton Bay district, of which Mr. Hawes candidly acknowledged he knew nothing whatever !

Again, there had been two or three deaths, as there generally were at that time among such a number of emigrants, on board the "Fortitude" during the voyage ; and the surgeon superintendent reported, on his arrival, that there had been some cases of fever on the passage, and that there was one doubtful case at the time. The vessel was accordingly placed in quarantine ; but the thing proving a false alarm she was released in about eight days, there being

death and no further sickness in the interval. The emigrants landed in robust health, as did those also of the other two vessels. But I had given the Emigration Commissioners mortal offence by showing up their gross ignorance and fatal presumption in my evidence before a Select Committee of the House of Lords, as mentioned above. The mere circumstance, therefore, of the "Fortitude's" being placed in quarantine was sufficient for these gentlemen to manufacture a case out of at my expense ; and my unprincipled procedure, and inhumanity forsooth, in allowing a ship to go to sea with such insufficient arrangements for the health of the people on board, were duly and indignantly commented on by his Lordship, or rather by these gentlemen for him.² But, as if Divine Providence would not allow an honest man, when making extraordinary and disinterested exertions for the welfare of his fellow-men, to be sacrificed in this way, or permit such unfounded accusations to pass with impunity, the very next ship the Commissioners sent out themselves to Moreton Bay had typhus fever of so virulent a character, and so many deaths on board during the passage, that she actually lay in quarantine four months after her arrival ! The surgeon superintendent having died of the disease, the Local Government applied to *one of the three surgeons I had sent out with my emigrants*—Dr. H., now a highly respectable practitioner at Brisbane, and a member of the Legislative Council of Queensland—to *take his place* ; but from the way in which our whole party had been treated by the Local Government, Dr. H. declined the appointment, and recommended them to send one of their own people. They did so ; and Dr. Ballow, the colonial surgeon of the settlement, who had consequently

² The fact is, I had nothing to do with the provisions and medical comforts on board : they were supplied, agreeably to the Government scale in every particular, by contract, by one of the first mercantile houses in London—that of Mr. W. Tindall, of Clement's Lane.

to take charge of the fever-ship, died also. A third surgeon, who had been in attendance at the quarantine station, and had been seized with the disease, providentially recovered ; but not fewer than fifty of the emigrants by that fatal ship, the "Emigrant," and two surgeons, died on the voyage and in quarantine !

Earl Grey even condescended, in his letter to the Governor, to advise the emigrants per the "Fortitude" to institute legal proceedings against me for alleged breach of engagement with certain of their number in regard to the land—which, we expected, would be conceded by the Local Government, agreeably to the spirit of the Act of Parliament which appropriated one-half of the Land Fund for the promotion of emigration—but not one of them took his Lordship's advice,* and when I visited them at Moreton Bay, in November, 1851, I experienced the most cordial reception from them all, receiving, from not a few of them, expressions of the warmest gratitude for having been the means of bringing them to their adopted country. So far, indeed, from their being disposed at any time to institute legal proceedings against me, they had, in a memorial which they presented to the Local Government in the year 1849, previous to my return to the colony, expressed their entire confidence in my integrity, in all the arrangements I had made with them, both individually and collectively.

* His Lordship's advice was tendered on the unfounded allegation that the emigrants had paid separately for their passage and for the land they were expected to receive. They did nothing of the kind. They merely paid for their passage—those of them who paid at all—and in the event of the land being conceded by the Government, they were to receive sixteen acres of land for every 20*l.* of passage-money they had paid. Had the inquiry I afterwards applied for been granted, all this would have been cleared up at once. It was this early struggle, however, that led ten years thereafter to the Queensland Land Act of 1860, which ensured thirty acres of land to any person who might have paid only 15*l.* for his passage. See above, page 377, note.

In the mean time a vacancy having unexpectedly occurred in the representation of the city of Sydney, (which then returned two members to the Legislative Council,) during the year 1850—shortly after my return to the colony, as also after Earl Grey's letter of charges against me had been published under the *protection* of the Council—I had the honour of being elected to fill it by the citizens, under a 20l. franchise, in spite of every effort, on the part of the Local Government and their adherents, to keep me out; and the first thing I did, on entering the Council, was to place a Notice of Motion on the Council Paper for the appointment of a Select Committee, to ascertain what grounds there were for the charges which had been preferred by Earl Grey, and published among the Papers of the Council, against a member of that House. *The Committee, however, was refused by the Government and Squatter majority, as it was not deemed expedient to allow of any inquiry that might possibly issue in my honourable acquittal!*

But after the matter had been apparently disposed of in this way, an attempt was made, with the concurrence of the Government, to get me condemned, on certain Resolutions founded on Earl Grey's charges, and concocted for the purpose, *without an inquiry!*⁴

These Resolutions, it was understood, had been concocted at the Australian Club, a select association in Sydney, consisting in great measure of Squatters, and comprising all the anti-popular elements of the community; the champion-

⁴ "Nothing," says M. de Chateaubriand, "can be more dangerous, more unsuitable, or more inapplicable to public affairs, than Resolutions directed against individuals or bodies, *even when these Resolutions are themselves honourable.*"—Life by himself, part iii. 3.

The instituting of a prosecution by the Council, after the refusal of a Select Committee of Inquiry in the case, was simply a piece of *Legislative villany*.

ship on the occasion being assigned to Mr. T. A. (afterwards Sir Terence Aubrey) Murray, Member for the Squatting county of the same name. Mr. Murray commenced his attack with a flourish of trumpets, announcing himself as the reluctant but self-denying champion of public virtue in the case, and promising the Council certain discreditable and lamentable disclosures as to my alleged delinquencies in connexion with the emigration to Moreton Bay. This pompous exordium was followed up with the detail of certain alleged cases of personal hardship and individual grievance to which I had been accessory in the emigration to that district—cases which, it seems, had been reported, by some evil-disposed persons, to Mr. Murray, at second-hand, and of which both he and they were totally ignorant of the real nature and particulars; for as Moreton Bay was five hundred miles from Sydney, and communication at that time very infrequent, there was abundant room for misrepresentation, when there was any purpose to be served. In short, Mr. Murray's speech, on moving his condemnatory Resolutions, was one of the feeblest performances, of the nature of a public and personal attack on a political adversary whom it was intended to annihilate, that I have ever known. On being permitted to reply, I addressed the Speaker as follows:—

“Mr. Speaker, if it has ever been your fortune to travel in the East, and especially to visit the ancient and illustrious city of Constantinople, you must doubtless be aware that it is the usual practice among devout Mahometans to transact the very commonest business of life in the name of their prophet; insomuch that even a fruit-seller, walking about with his basket in the bazaar, will recommend his wares in this magniloquent language: ‘In the name of the prophet—Figs.’ Now, sir, after the fanfaronade with which the honourable member for Murray commenced his speech, and the series of trumpety cases with which he

followed it up, and which I am quite sure I shall be able to dispose of presently to the entire satisfaction of every unprejudiced person in this House, I cannot characterize the whole performance of the honourable member in more appropriate language than that of the fruit-seller in the public market of Constantinople: 'In the name of the prophet—Figs!'"

The effect of this exordium was quite electrical. It was received with a perfect shout of laughter, at the expense of the honourable member for Murray, in all parts of the House, which was crowded at the time almost to suffocation to witness the fight. In short, the champion of the Club, when reckoning upon golden opinions for his self-denial and patriotism, forsooth! found all at once that he had become the object of the ridicule of the whole community. The cry of the Mahometan fruit-seller became for a time the catch-word of the colony; it was in everybody's mouth, and at a masked ball given by the Mayor of Sydney on some great occasion very shortly thereafter, a shipmaster, who had dressed himself as a Turk and got a basket of fruit for the occasion, was said to have contributed not a little to the amusement of the evening, by perambulating the hall with all the mock solemnity of a Mussulman, and repeating the announcement, "In the name of the prophet—Figs!"⁵

⁵ Whether Sir Terence Aubrey Murray ever changed his mind as to my proceedings in the matter of emigration to Moreton Bay I never thought it worth my while to inquire; but I can say I enjoyed his friendship for the last twelve or fifteen years, and till he died a few months since. He did me the honour to preside as the President of the Legislative Council, at a public meeting held in Sydney on my behalf in September, 1870; and when he was elected to the Speakership of the Legislative Assembly, he requested me to take charge of a Bill he was then projecting for the Repeal of the Law of Primogeniture. I took charge of the Bill accordingly, and succeeded in carrying it through Parliament and getting it passed.

The gentlemen, however, who had charge of the prosecution, were determined to obtain a condemnatory vote against me at all hazards ; and they accordingly kept up the discussion *in my absence*—for I had left the House immediately after delivering my speech in defence—for *four nights together*, repeating *usque ad nauseam*, the same unfounded allegations, and preferring the same charges again and again till the House was absolutely wearied out.

At the close of the fourth night's debate—when a large majority of the members, including all those who were friendly to me, had successively left the House, in the hope that there would be a count-out, and the subject disposed of in that way—the Government whipper-in having secured the exact number of officials, nominees, and personal enemies of my own, to make a House, viz. thirteen,⁶ a vote of condemnation was accordingly passed against me.

Although this adverse vote could, under the circumstances in which it was passed, have no moral weight attached to it, and was universally regarded by the colonial public as a mere expression of personal hostility and political malevolence, I deemed it advisable to withdraw for a time from the Council ; and I accordingly addressed a letter through the public press to my constituents, the citizens of Sydney, offering to resign my seat immediately, if they either concurred in or approved of the vote of the Council. A large public meeting of the citizens was accordingly held on the subject in the Old Barrack Square, J. R. Wilshire, Esq., J. P., formerly Mayor of Sydney, in the chair ; of which the proceedings are recorded in Appendix No. VIII.

In accordance with the publicly expressed desire of the citizens of Sydney, as declared at length in the Appendix referred to, I resumed my seat in the Legislative Council, to discharge the duty which I had pledged myself to the

⁶ *The De'il's Dozen* they were usually called at the time.

constituency to perform, viz. to endeavour to obtain for them a fair and equitable share of the representation of the colony, under the new Electoral Act about to be passed by the Council, as a supplement to Earl Grey's Act of 1850, for the better government of the Australian colonies.

That Act had authorized the separation of Port Phillip from New South Wales, and its erection into a distinct and independent colony under the name of Victoria; the Legislative Council of New South Wales being empowered to organize and appoint a Government for the new colony. The separation was accordingly effected with the requisite formalities on the 1st of July 1851; the portion of territory severed for the purpose from the older colony being eighty-five thousand square miles, or an extent of land about equal in dimensions to the whole island of Great Britain.

The Council was also authorized by the Imperial Act to construct a new Electoral system for the older colony—a matter in which I naturally took a deep interest, as I had moved for and obtained a Select Committee of the Legislative Council on the representation of the colony in the year 1844. In the Report of that Committee, which I drew up myself as chairman, it was recommended, among other needful reforms, that the squatters or Crown tenants should thenceforth possess the elective franchise, which they had never had before, but which the Imperial Government conceded at once, on the Report of my Committee. But no sooner had these gentlemen obtained this invaluable boon, entitling them as it did to their proper share of the representation of the colony, than, under the leadership of their champion, the late Mr. Wentworth, they concocted and passed an Electoral Act for the colony which I cannot help characterizing as a regular political swindle, a piece of downright chicanery and fraud.

In a new country, like the Australian colonies—in which there is no hereditary aristocracy, no privileged classes, no

impediment in the way of any man's doing the best he can for himself, whether in town or country, or in whatever way he pleases—it must be evident that property or wealth will, like water finding its own level, spread itself pretty equably over the whole face of the community ; so that a thousand persons in any one part of the territory will be found, on an average, to possess pretty much the same amount of property or wealth as an equal number of persons in any other part of it. It would, therefore, have been a measure of strict justice to the colonists to have apportioned the representation, under the new Electoral Act, as nearly as possible, agreeably to the census of the inhabitants, which had then just been taken—in the right time for such a purpose—immediately before the meeting of Council ; taking it for granted, as was obviously and unquestionably the fact, that equal amounts of population would imply equal amounts of property or wealth all over the territory. For this principle, therefore, I contended strenuously, while the Electoral Bill was before the House ; showing that the principle in question was the principle of the famous Reform Act of 1832, in so far as it went ; and that the many and great anomalies in the representation of the United Kingdom, which that Act had left untouched, and which had been again and again appealed to in justification of the Local Government scheme, were no precedent for us, as they existed merely in consequence of the magnitude and the long prevalence of the abuses which the Reform Act was intended to correct. For when I appealed to the Government and their supporters, as to whether Lord John Russell would have established such a system of representation as obtained in the mother country under the first Reform Act, had he found the United Kingdom a *tabula rasa*, such as New South Wales then was, with no vested interests in any quarter, it was reluctantly admitted that he would not ; or, in other words, that he would have established a system somewhat more in accordance with the

principle of population and property combined—that is, with the rights of men. And as the Colonial Secretary had bespoken the sympathy and consideration of the Council for the great labour and pains he had taken in arranging the Government scheme of representation, I told him, in my speech on the subject, that he might have saved himself all that extra labour and pains, if he had only gone about the matter, which presented the simplest case imaginable, in an honest and straightforward way.

The Local Government, however, was a great deal too strong in the Legislative Council of the period to require to concede anything to popular rights; and the result was the passing of an Electoral Act, under which the city and suburbs of Sydney and the county of Cumberland, comprising, as they then did, upwards of three-eighths, or nearly one-half, of the population and property of the colony, were allowed only one-sixth of the representation; while the other five-eighths, or little more than the other half, had five-sixths allowed them. In round numbers, the amount of population to which a member was assigned for the city of Sydney and the county of Cumberland under this Act was 15,000, while the number to which a member was assigned for a squatting district on the north-western frontier, about 700 miles distant, was 1500. But the citizens of Sydney were strongly imbued at the time with the spirit of freedom, while the dwellers in the remote squatting districts were mere tenants of the Crown or their servants.

The first Legislative Council of the colony, under the semi-representative system established by Lord Stanley, in the Imperial Act of 1842, had met for the first time on the 1st of August, 1843; and it was finally dissolved, after an existence of eight years, on the 2nd of May, 1851, its last act being the passing of the new Electoral Act, which I have already characterized as I conceive it deserved. The General Election, under the new Constitution established

by this Act, ensued in September, 1851; and as the election turned entirely on the question which that Act involved, I had the honour not only to be re-elected for the city of Sydney, but to be placed at the head of the poll by the largest majority ever known in the colony. The following was the result of the election, as stated by the contemporary press:—

“DECLARATION OF THE POLL.

“Yesterday afternoon (17th September, 1851), at four o'clock, a great number of the citizens assembled before the hustings in Macquarie Place, for the purpose of hearing the official declaration of the poll taken the previous day.

“The Right Worshipful the Mayor said, it was now his duty to declare to them the result of the polling yesterday, which differed only in a trifling degree with the announcement he had made at the Town Hall on the previous evening. The votes polled for each candidate were as follows:—

“For the Rev. Dr. Lang	1191
John Lamb, Esq., R.N. . . .	1015
William Charles Wentworth, Esq. . .	991
Alexander Longmore, Esq. . . .	900
Charles Cowper, Esq. . . .	870

He therefore certified to them, and declared the Rev. John Dunmore Lang, John Lamb, Esq., and William Charles Wentworth, Esq., duly elected to represent the City of Sydney in the Legislative Council. He begged to congratulate his fellow-citizens on the peaceful and orderly manner in which the election had been conducted. It was a circumstance highly creditable to them, and worthy of being held up as an example to the whole world. (Cheers.)”

As a member of a Legislative body so constituted as the Legislative Council of New South Wales thus was, under the Electoral system of 1851, I could have had no hope of doing any real service to my adopted country; I had therefore determined, months before the General Election, to proceed once more to England, for certain purposes and objects which it is unnecessary to particularize. My efforts

in effecting the settlement of not fewer than 600 thorough Protestants at Moreton Bay, and as many at Port Phillip, had, in the meantime, subjected me to very considerable pecuniary obligations, and the lawyer who represented the parties to whom they had been incurred, deeming the result of the General Election a favourable opportunity for urging his claims, instituted a law proceeding which, if carried out, would have imperilled my qualification as a member of Council, which at that time implied the possession of property of the value of 2000*l*. In this conjuncture, a few of the more prominent and influential of the citizens, who had taken a warm interest in promoting my election, came forward, in the handsomest manner, and offered to relieve me of that difficulty, and to enable me to take my seat. But it did not appear to me desirable for any person who had taken up the position which I had held in the Council, as an advocate for popular institutions and the rights of men, to be under pecuniary obligations to his constituents. I therefore respectfully declined the assistance that was thus offered me, and immediately resigning my seat, embarked for England by Cape Horn for the seventh time on the 15th of February, 1852.

In the year 1848, Mr. Surveyor Kennedy, of Sir Thomas Mitchell's Expedition to inter-tropical Australia, who had subsequently traced down Sir Thomas's Victoria River of the north-western interior, till, suddenly changing its course to the south-westward, it lost itself in the sandy desert of the interior, in latitude 27° 56' S., was directed to explore the peninsula of Cape York in North-Eastern Australia, to verify and supplement the discoveries of Leichhardt in that direction. His instructions were to proceed by sea to Rockingham Bay, in latitude 18° 9' S., from thence to travel by land to Cape York. Arrived at Rockingham Bay, their first place of destination, the expedition found the country towards the coast

for travelling by land, that, after encountering great hardships, and leaving the greater part of their heavy stores behind, Mr. Kennedy was obliged to divide the party, leaving eight of the number at Weymouth Bay, and proceeding with the remaining four, including a black native, Jackey Jackey by name, towards Port Albany, near Cape York. In consequence of the illness of one of the three white men, a further division of the party had to take place, the whole three being left at a station farther north, and Mr. Kennedy proceeding onward towards his destination with the black native only. Before they reached Port Albany, however, the unfortunate explorer and his native companion were attacked by a tribe of treacherous natives, who, after professions of friendship, dogged them on their route for three days, till, finding a fit opportunity, they threw a number of spears at Mr. Kennedy, one of which struck him in the back and mortally wounded him. Jackey, although wounded himself, fired and killed one of the assailants, and then carried his master into the scrub, or thicket, frequently asking him, "Are you well now?" "I don't care for the spear-wound in my leg, Jackey," Mr. Kennedy replied, "but for those other two in my side and in my back; I am bad inside, Jackey." Jackey told him that black fellows always died when they were speared in the back. Seeing his master sinking, he said, "Mr. Kennedy, are you going to leave me?" "Yes, my boy, I am going to leave you." Jackey held him in his arms till he died, and then wept bitterly. "I was crying a good while," said Jackey, "until I got well; that was about an hour, and then I buried him. I dugged up the ground with a tomahawk, and covered over the body with grass, a shirt, and trowsers, and these with logs."

Jackey reached Port Albany with Mr. Kennedy's papers; but of the eight men left at Weymouth Bay, six had died ere succour and supplies reached them, and none of the

other three were ever heard of. Such was the close of this ill-advised and fatal expedition.

I returned to the colony in November, 1853, and as a vacancy had taken place shortly thereafter for the county of Stanley in the Moreton Bay country, I had the honour to be elected to fill it by a majority of one over the greatest squatter in the district—the object of the constituency being that I should thereby promote the separation of their district from New South Wales at the thirtieth parallel of latitude, which the Imperial Parliament had enacted on my recommendation in 1850.

The termination of Sir Charles Augustus Fitzroy's tenure of office being now approaching, a valedictory address was moved in his favour in the usual style of fulsome and unmeaning adulation.

If Her Majesty could have commissioned the Prince of Darkness to represent her in the colony during the period that terminated with the government of Sir Charles Fitzroy, I doubt not but his sable Excellency would have received a Farewell Address of respect and regret at the close of his felicitous administration. Of course, there were such addresses presented to Sir Charles Fitzroy on his leaving the colony, not only by the Legislature, but by certain of the clergy of more than one denomination. Feeling deeply interested, as I did, in the character and reputation of my adopted country, I submitted the following amendment on the Farewell Address to His Excellency by the Legislative Council of the period, on the 1st December, 1854:—

"That this Council, on the eve of its prorogation, and of the departure for England of His Excellency Sir Charles Augustus Fitzroy, desires to record its deliberate opinion—

"1. That His Excellency's Administration has, through a uniform conspiracy against the rights of the people,

"2. That, from the lamentable inefficiency of the Government, resulting from its utter inability

unprecedentedly important crisis, this colony, which was evidently designed by nature to take the lead in the Australian group, has fallen from the high position which it might otherwise have easily maintained, and become, in the estimation of Her Majesty's Government, of the British public, and of the civilized world, only the second in the list.

"3. That in order to maintain and perpetuate the anti-popular system which has uniformly characterized His Excellency's Government, the funds of the colony have been lavishly expended in the maintenance of unnecessary offices and the payment of extravagant salaries, while public works of urgent necessity to the community, in all parts of the territory, have been postponed and neglected.

"4. That no such efforts, as were indispensably necessary under the extraordinary circumstances of the times, have been made during His Excellency's term of office, to supply the colony with an industrious population of the working classes from the mother country, and that the efforts of private individuals to supply this great desideratum have uniformly been frowned upon and systematically discouraged.

"5. That notwithstanding the extraordinary interest which is now taken in Australia by the European public, no efforts at all worthy of the name have been made during His Excellency's Government, in the way of geographical discovery, either by land or sea, with a view to the opening up of this vast *terra incognita*, for the progressive settlement of a European population, although the able and energetic Governor of a neighbouring colony has been gaining imperishable laurels by demonstrating the practicability of navigating the great river which forms the southern boundary of New South Wales for nearly 2000 miles; and that while Great Britain and the United States of America have been vying with each other in their search for Sir John Franklin and his companions in the icy regions of the North, the lamented Leichhardt, a name not less illustrious in the annals of geographical discovery, has been left to perish miserably in the central desert of Australia, and no effort, at all worthy of the colony, has been made to search either for himself or his remains.

"6. That instead of relaxing in any way the oppressive character of the land system, in accordance with the obvious intent and spirit of the Orders in Council, His Excellency has voluntarily exceeded the powers entrusted to him for the time being by the Imperial authorities, in rendering that system still more oppressive, and thereby curtailing unnecessarily the rights and privileges of a misgoverned and down-trodden people.

"7. That the moral influence which has emanated from Government House during His Excellency's term of office has been deleterious and baneful in the highest degree to the best interests of this community; and that the evil example which has thus been set in the highest places of the land has tended, more than anything else that has occurred in this colony these thirty years past, to bring Her Majesty's Government into contempt, and to alienate from Her Majesty the affections and respect of the Australian people."

I did not expect that this amendment would be carried; but the names of the gentlemen who voted with me in a minority of six against twenty-eight, will doubtless satisfy the reader as to the propriety of the step I had thus taken, and the worthless character of the administration that had thus come to its close. The six members who formed the minority were Mr. (now Sir Charles) Cowper, the late Premier; Mr. Parkes, the present Premier; Mr. Campbell and Mr. Flood, both afterwards Ministers of the Crown; Mr. Bligh, a magistrate of the territory, and myself.

Sir Charles Fitzroy left the colony and sailed for England on the 17th January, 1855.



CHAPTER XII.

STATE AND PROGRESS OF THE COLONY UNDER THE GOVERNMENT OF SIR WILLIAM THOMAS DENISON, K.C.B.

"A Jack of all trades, but master of none."

SIR WILLIAM THOMAS DENISON, K.C.B., the eleventh Governor of New South Wales, arrived in the colony, and assumed the government on the 17th of January, 1855. He had served his apprenticeship in the art and science of governing in the worst possible school for the government of freemen; having for a series of years, previous to his appointment to New South Wales, been Governor of the Penal Colony of Van Dieman's Land, now Tasmania, where his word was law, and he had full scope for the exercise of a peculiarly arbitrary disposition, at the critical period which had then arrived in the history of the colony.

Of that disposition he had given abundant evidence in Tasmania. The reputable people of that colony were universally opposed at that period to the continuance of Transportation, which Sir William Denison, as the willing and zealous agent of Earl Grey, was determined, if possible, to perpetuate in the island. He offered, as a sort of bribe to the merchants and people of Hobart Town, to construct a dock for them with convict labour, if they would only consent to the continuance of the system; but they were not to be taken with this bait, and indignantly refused His Excellency's gracious offer. He could not even get the members of his Government to agree with him on the subject; for when it was brought before the Cabinet, both

Secretary, Mr. Chapman, and the Colonial Treasurer, Dr. Turnbull, voted against him; for which unpardonable offence His Excellency immediately suspended them, and Earl Grey approving of the act and deed, dismissed them from office. It was a heartless and unfeeling proceeding both on the part of his Lordship and on that of his agent, Sir William Denison. The two gentlemen were universally respected and esteemed, and the colony cordially sympathized with them on their being thus driven from office for merely consulting the best wishes and the dearest interests of the people.¹ Nay, so strongly were the person and Government of Sir William Denison detested by the people of Tasmania on account of his pro-convict policy, that when it was proposed to admit him to the honour of membership in the Agricultural Society of the island—a highly-respectable association of resident proprietors in the interior—he was black-balled, and one of the more prominent members threatened to go down to Hobart Town, and burn down Government House about his ears.

And this was the man who was selected by Earl Grey to succeed Sir Charles Fitzroy in the government of New South Wales! Of the arbitrary disposition he had thus exhibited in Tasmania he gave early and abundant evidence in his new and higher appointment, especially on the occasion of the inauguration of Responsible Government for the colony in the year 1856, under an Act of the Imperial Parliament, confirming a previous colonial enactment on the subject, and passed in the year 1855. By that Act it was

¹ Mr. Chapman, who had been Colonial Secretary of New Zealand before he held the same office in Tasmania, went to Victoria, after he had been dismissed so uncourteously by Sir William Denison, and became one of the Judges of that colony. Dr. Turnbull, who had studied for the ministry in the Presbyterian Church in his earlier life, became a Presbyterian minister at Campbelltown, in the centre of the island, where he still survives, having a colleague to relieve him of the more arduous duties of his office.

provided that the actual members of the Government should retain their respective offices until outvoted and relieved by a Parliamentary majority, in which event they were to be entitled to pensions or retiring allowances equal to the full amount of their salaries respectively. But without subjecting these gentlemen to any Parliamentary trial at all, Sir William Denison relieved them of their offices at once, on his own authority, and without consulting the Parliament in any way; giving them their pensions forthwith, and appointing to the Ministry men entirely of his own choice, who had no other claim to any such distinction than that of their having uniformly voted for the resumption of Transportation. On the opening of Parliament an Address, in the usual style, was moved in reply to His Excellency's speech, by the *svi-disant* Pro-Transportation Premier of his own appointment, to which, however, the following amendment was made by Mr. (now Sir) Charles Cowper, on the 29th May, 1856 :—

“ With reference to the recent appointment by Your Excellency, of gentlemen who have been returned to the Legislative Assembly as members of the Executive Government, without the charge of any Department, we desire to convey to Your Excellency the expression of our opinion that the officers of Government, for whom pensions or retiring allowances have been provided by the Constitution Act, 18 and 19 Vict. c. 54, on their release or retirement from office on political grounds, are not entitled to claim, under that Act, such pensions or allowances, unless such release or retirement takes place after some direct Parliamentary manifestation of their inability to carry on the Government, which manifestation has not yet been made, and that the assumption of office as responsible Ministers under existing circumstances by any persons in the place of those for whom such pensions have been provided before such manifestation shall have taken place, is highly irregular and unconstitutional. The existence of an entire Ministry, no member of which is the holder of any office under the Crown, is also, in our opinion, incompatible with that responsibility to which every administration ought to be subject.”

The votes on the occasion were, “ For the Address, 30 ;

for the Amendment, 18." Of the members who voted for the amendment, the more prominent were Mr. Cowper, Mr. Robertson, and Mr. Parkes, all subsequently Premiers of New South Wales.

To this arbitrary act at the commencement of His Excellency's administration, there was another of a somewhat similar character to mark its close. A question having arisen in the Cabinet as to whether the Great Seal should be appended to a certain document, conveying to his widow the property of John Tawell, who had been long well-known as a wealthy emancipist in Sydney, but who was afterwards hanged in England for the atrocious murder of his concubine in Manchester, the Ministry, without exception, all refused to append the seal to the document in question; but His Excellency insisting that they should, they all resigned their offices rather than comply. His Excellency being thus left alone in the Cabinet, he went down to the Colonial Secretary's office, and appended the Great Seal to the document himself. The resignation of the Ministry, however, not having been accepted, they resumed their offices on His Excellency's departure.

Sir William Denison having originally been an officer of Engineers, and arriving in the colony, as he did, with a high character for ability in this branch of military service, considerable expectations were formed as to the public works that would in all likelihood be erected during his government. Without pronouncing any opinion, however, upon the works of defence he was the means of constructing in the harbour of Port Jackson, at a cost of about 100,000*l*.—works which have since been generally regarded as a great mistake and a useless expenditure of public money—there was one public work in the construction of which his Excellency took a prominent part, which is now regarded with universal and well-merited approbation. I allude to the drainage and sewerage of Sydney. At a time

when the Corporation of Sydney had been dissolved for alleged mismanagement, and three gentlemen had been appointed as Commissioners for the management of its affairs, Sir William Denison took a prominent part in carrying out this necessary work. Now after the numerous papers in the *London Times* and the other metropolitan journals for a series of years past, on the pollution of the Thames by the sewerage of London, one would naturally have expected that some provision would have been made for the preservation of the noble harbour of Sydney from similar defilement. But, to my utter astonishment at the time when the sewerage works were in progress in Sydney, nothing of the kind was either done or attempted to intercept the foetid matter in its progress to the sea. Open drains in all directions were left to discharge their accumulated masses of pollution into the beautiful harbour while the *Cloaca Maxima* or principal sewer, actually discharges its contents into the harbour right under the windows of Government House, to the unspeakable discomfort and annoyance of all its recent inhabitants. Such, then, was the very unsavoury legacy which Sir William Denison bequeathed to his successors in office.

Again, instead of traversing the colony in all directions, as certain at least of these successors have done to their own very great credit, to get acquainted personally with the condition, as well as with the wants and wishes of the inhabitants, Sir William Denison, fancying himself, as he evidently did, quite able to decide in all questions by instinct or intuition, and therefore requiring no such means of information, kept himself perched up in his private office in Government House, writing dispatches of all kinds, and was therefore but very little acquainted with the country he professed to govern. On one occasion a Government member of the Assembly, evidently fishing for a compliment for His Excellency, called the attention of the House to the

extraordinary diligence and devotedness of the Governor, by stating that he had actually written eleven letters to the Duke of Newcastle, who was then Secretary of State for the Colonies, in one week ! I do not recollect how this announcement was received by the other members of the Assembly ; but when it came to my turn to address the House, instead of complimenting His Excellency on his labours and devotedness, as the members generally were expected to do, I merely expressed my cordial sympathy with the Duke of Newcastle, in being subjected to the very serious infliction of having to read eleven letters a week on all the police incidents of New South Wales ; adding that, in my humble opinion, His Excellency might be otherwise and much better employed for the benefit of the colony. We never heard thereafter of His Excellency's Dundreary epistles, for such they were, to the Secretary of State.

As a self-esteemed universal genius, Sir William Denison actually *put forth his hand to steady the ark*, and transformed himself into a *soi-disant* ecclesiastical reformer, by delivering a lecture in Sydney on the character and influence of the primitive Church. The late Rev. Dr. Binney, of the Weigh House Chapel, London, happened to be in Sydney at the time, as he was making a tour in the Australian colonies in the year 1858, and was present at the lecture. But the High Church spirit and pretensions of the lecturer, and the notorious perversion of the facts of primitive history which the lecture evinced, were too much for that eminent divine, who at the close of the lecture expressed his dissent from the principles and sentiments which His Excellency had avowed. Doubtless, recollecting, however, the adage that one cannot well be in Rome and strive with the Pope, his critique was sufficient to be complimentary, although quite distinctive. He doubt have been much more at home with such a Weigh House Chapel.

Sir William Denison

evinced a great want of

common sense, which indeed was rather a rare quality with governors under the old régime, while he perpetrated the grossest injustice on the Australian colonies, by changing the northern boundary of New South Wales, as fixed by the Act of Parliament of 1850. As this subject, however, is sure to come before the public in Australia very shortly, and to give rise to great, protracted, and perhaps angry discussion, I shall simply state the facts of the case, and leave each person concerned to judge for himself.

On my arrival in England, in December, 1846, on my sixth voyage from New South Wales, Mr. Benjamin Hawes, M.P., then Under Secretary of State for the Colonies, informed me that Earl Grey was preparing a Bill for the better government of the Australian colonies, and would be glad to receive suggestions for the improvement of that Bill from any competent person or persons from the colonies. On that invitation I addressed a letter to his Lordship early in the year 1847, of which I repeated the subject in other letters from time to time during my stay in England; in which, among other suggestions to which it is unnecessary to refer, I strongly recommended that in the forthcoming Bill a clause should be inserted, authorizing Her Majesty to separate from New South Wales, and to erect into one or more colonies, the whole territory extending to the northward from the 30th parallel of latitude. The reasons I gave for this recommendation were, as far as my memory can reproduce them, as follows :—

I. There is a mountain ridge, extending from the Pacific to the high land in New England, on the 30th parallel of latitude, of sufficient importance to originate a river, the Orara River, which, pursuing a northerly course of thirty miles as the crow flies, falls into the Clarence River at sixty miles from its mouth, and is itself navigable for river steamboats for ten or twelve miles from its embouchure in that river. And this proposed boundary-line is continued

across the New England country to the westward, in Mount Benlomond and Mount Mitchell, which are both on the same parallel of latitude.

II. The country between the Bellinger River to the southward of that dividing line and the Clarence River to the northward, is a rough and impracticable country; and there is no intercourse or communication whatever between the inhabitants of these rivers.

III. The coast-line of New South Wales, from the 30th parallel of latitude to Cape Howe, extends over seven and a half degrees of latitude, or nearly 500 English miles, while the area or superficial extent of the colony within these dimensions is 270,000 square miles—that is, 40,000 square miles more than double the size of the United Kingdom.

IV. There is a change of climate, evinced in a change of vegetation, which takes place in travelling northward, and commences at the 30th parallel of latitude, the Cowhallie Creek near that parallel being the locality at which the Moreton Bay pine is first seen in travelling northwards; the country to the northward of that parallel being suited for the cultivation of the cotton-plant and the sugar-cane, while New South Wales proper is better suited for cereals and the vine.

Earl Grey's Act for the better government of the Australian colonies was passed in the year 1850; and from that period the 30th parallel of latitude, which was fixed by the Act as the boundary-line on the recommendation I had thus given, as approved by the Commissioners of Land and Emigration, to whom my letter had been referred, was thenceforth regarded as the permanent dividing line between the two colonies of New South Wales and Queensland; and in anticipation of that boundary being permanently fixed, all the public buildings of the latter colony were erected at Brisbane, which, if that Act had been retained in operation, would have been the central " " Queensland; the inhabi-

tants of the Clarence River district being at that period almost unanimously earnestly desirous of annexation to Queensland, as their Petitions to Her Majesty to that effect sufficiently show. But the Legislative Council of 1853, which consisted almost entirely of Squatters, who wished merely to extend the Squatting domain of New South Wales, and for no other reason, were induced, at the instance of the late Mr. Wentworth, to insert in the Constitution Act, which was ratified and confirmed by the Imperial Act of 1855, the following clause in that Act, viz.:—

“Provided always that nothing herein contained shall be deemed to prevent Her Majesty from altering the boundary of the colony of New South Wales on the north, as to Her Majesty may seem fit.”—Act of Imperial Parliament, 18th and 19th Vict. cap. 54.

On this Act being passed, Mr. Labouchere, who was then Principal Secretary of State for the Colonies, wrote out to Sir William Denison to suggest another and proper boundary-line for the two colonies of New South Wales and Queensland, which he did accordingly by suggesting the Macpherson Range on the 28th parallel of latitude on the coast, and the 29th in the interior. I happened to cross Sir William Denison's *dilettanti* boundary-line, in passing overland from Queensland into New South Wales in the month of March last, only a month before setting out on my present voyage from Sydney to England; but instead of the strongly-marked and well-defined boundary of the 30th parallel, there was no other indication of our passing from one colony into another at the spot where the mail-coach crosses the line than a marked tree—that is, a tree with a piece of bark chipped off it with an axe. But how could Sir William Denison have had time to visit this remote locality when he had eleven letters a week to write to the Duke of Newcastle?

Now, all this was done *before the introduction of Responsible*

Government, at the instance of Mr. Wentworth and a mere handful of Squatters, without the slightest reason for the change, and especially without the slightest consideration of the wants and wishes of the numerous inhabitants of the Clarence River district, who now number 40,000. Besides, it showed a complete want of common sense on the part of Sir William Denison, as well as a complete want of consideration for the wants and wishes of those whom he was sent to govern, to recommend that to the overgrown colony of New South Wales, with an area of 270,000 square miles—that is, much more than double the size of Great Britain and Ireland—there should be added a tract of country forty square miles larger than all England. In such circumstances how can men pretend to talk about Federation? Federation implies something like equality on the part of the federated states; but where is there any equality between the mammoth colony of New South Wales, with an area, under its present dimensions, of not less than 325,000 square miles—that is, larger than Great Britain and France together—and that of Tasmania, with an area of 27,000 altogether?

It is deeply humiliating for a British subject to contrast the apathy and indifference of our Imperial authorities, and the hardship and suffering thereby entailed on whole communities of colonists, with the watchful care exhibited in cases precisely similar by the Government of the United States. For example, when Texas, a country about as large as France, was annexed by the House of Representatives to the United States, the American Senate, as the guardians of the rights and interests of the people throughout the Union, would not allow the annexation to be consummated until a proviso was inserted in the Act for the division of Texas into four distinct States, as the progress of settlement and the amount of population should warrant such a division. For as the population of the

Americans, in regard to the extent of territory which any State in their Union should comprise, is forty to fifty thousand square miles—more or less, according to the physical character of the country—the Senate in this particular case would not sanction the admission into the Union of a State with so extensive a territory as that of Texas, lest, from that very extent of territory, it should acquire a predominating influence over other smaller States. But here is the agent of the British Government authorized by that Government to annex to a British colony, already larger than all France or Texas, a tract of country larger than all England!

The injury inflicted, not only upon Queensland, but on any future colony still farther north, by this insane proceeding of Sir William Denison is incalculable. As at the 30th parallel of latitude, there is another strongly-marked boundary-line at the 25th parallel, where the late Sir Thomas Mitchell says, "Nature has set up her own landmarks, not to be disputed." Now that would have been the Northern boundary of Queensland if the 30th parallel had been retained as the Southern; and all the public buildings of that colony, which are now most inconveniently situated at its southern extremity, would then have been in its centre, while Dawes Range on the 25th parallel would have formed the Southern boundary of the future colony still farther north, of which the inhabitants have been calling out for Separation for years past. But as there is no other strongly-marked natural division to the northward of the 25th parallel, the boundary-lines of the future, in that direction, are quite uncertain.

But there is no wrong without a remedy; and the prodigious wrong which Sir William Denison perpetrated upon the forty thousand inhabitants of the Clarence District is one, I am confident, of which the remedy will be both speedy and complete. No sooner was a new boundary-line

—a mere Squatter's boundary—prescribed for the Clarence District, and all prospect of annexation to Queensland, of which the inhabitants of that district were at one time unanimously desirous, entirely removed, than a new idea was put forth, which, I have no doubt whatever, will speedily be realized—that of constituting the Clarence District, with the three rivers of which it is composed, and the tin region to the west, a separate and distinct colony. And let no person imagine that the country in question is unfit for such a consummation. It is forty square miles larger than all England, and twice the size of Tasmania. It is as large as the State of New York in America, with fifty-eight counties and three millions of inhabitants; and it has resources in its sugar and cotton country on the coast, and its gold and tin in the interior, with which no tract of country of equal extent in Australia can for one moment compare. I was solicited to aid the parties who have been silently agitating for this purpose for some time past, four years ago, but I told them that it would be vain to agitate at that time, and that they must wait for the passing of the then forthcoming new Electoral Act, which would give them their proper share in the General Representation. The Bill for that Act allotted seven members to the Clarence District. Let it be remembered, therefore, that there were only six members for Port Phillip, now the great colony of Victoria, when that colony got separation; and that there were only eight members for Queensland when that colony also got separation. And why should the Clarence District not follow such examples when it has now been declared worthy of having seven representatives?

A further will see from the sequel what progress the colony has made since the era of Responsible Government. I shall now take leave of Sir William Denison, and return to the Government of Madras, where he was appointed Governor, on the 1st of January, 1861. After

serving the usual term in India, he returned to England, where he published a trashy work under the title of "Viceregal Reminiscences," which only proves that Nature had never intended him for any higher charge than that of Letter-writer for a Ladies' Boarding-school.

CHAPTER XIII.

RESPONSIBLE GOVERNMENT—AND THE STATE AND PROGRESS OF THE COLONY UNDER SIR JOHN YOUNG, EARL BELMORE, AND SIR HERCULES ROBINSON.

LORD STANLEY'S Act of 1842, for the better government of the Australian colonies, created a Legislative Council, or semi-representative Legislature, for the colony of New South Wales, consisting of thirty-six members; of whom twelve, or one-third, were to be nominees of the Crown (including six Heads of Departments), and the remaining twenty-four, or two-thirds, to be elected on a twenty pound franchise by the constituencies of the colony—Port Phillip, now Victoria, to have six of the elective members. This instrument of Government, to use the quaint phraseology of Cromwell, worked well, as I can testify from my own experience and observation from having been one of its members for a series of years; and continued in existence and operation till the year 1856, when Responsible Government was established, with a Legislature of two Houses. I was strongly of opinion at the time when the change was projected and carried out, at the instance of the late Mr. Wentworth, that it would have been much better for the colony, in accordance with the good old English maxim *to let well alone*, to have retained Lord Stanley's system of a single House of Legislature for many years—say for half a century—longer.

There were, doubtless, complaints and grievances under Lord Stanley's system, as there will always be under the best possible Government. But these complaints did not

imply that the system of a single House of Legislature was unsuited for the work which it was expected to do. The complaints were simply that even a majority in such a House was then of no avail in carrying any important measure affecting the composition of the House; as the Governor could then *veto* any such obnoxious vote, as Sir George Gipps did again and again, and thereby carry on the Government in spite of the House with an actual minority. It was Responsible Government that was the great *desideratum* in the case; and Responsible Government could have been quite as easily initiated under one House as under two.

There have been great difficulties of various kinds in carrying on the work of Government with two Houses in all the Australian colonies, whether the Upper House, or, as it is called, the *Legislative Council*, is elective or not; and I am quite confident that if Lord Stanley's most judicious system had continued unchanged in them all to the present day, the result would have been greatly superior to what has been actually realized, while a very large amount of public money, that might as well have been thrown into the sea, would have been saved to the people. The fact is, *we all pay a great deal too much for our English whistle.*

There have been seven Parliaments and fourteen different Ministers in New South Wales, during the eighteen years that have elapsed since the advent of Responsible Government in the year 1856; but of these Ministries the Premiers have, with only three exceptions—those of Ministries that lasted only a few months—been either Sir Charles Cowper, now Agent General for the colony, Sir James Martin, now Chief Justice, Mr. John Robertson, or Mr. Parkes. The three exceptions were those of the ministries of Mr. Donaldson, Mr. Parker, and Mr. Forster. Although, therefore, there have been frequent changes, they have generally resulted, as in England, in bringing back the same familiar

faces to the Treasury benches. There are so few men in any country who possess in a high degree the talent for government that such men seem almost to hold their places by prescription.

The Right Hon. Sir John Young, K.C.B., arrived in the colony and assumed the government on the 22nd of March, 1861; Colonel J. F. Kempt having supplied the vacancy from the 23rd of January of that year. Sir John Young's credentials did not arrive with him, and he therefore merely acted as Administrator of the Government till they did, on the 15th of May following. He had previously been Lord High Commissioner of the Ionian Islands, and it is greatly to his credit that he recommended to Her Majesty's Government to relinquish that possession of the Crown, and to hand it over to the Greeks, which was done accordingly.

Sir John Young was a man of eminent talent, and of highly conciliatory manners. His speeches at public meetings were always singularly appropriate, and characterized by genuine eloquence; and as he left the machine of government to its own unchecked operation, without interfering with its movements, he conciliated in a high degree the confidence and respect of the public.

The commencement of Sir John Young's administration was characterized by an incident of an extraordinary kind, which remarkably confirms the statement I have been making as to the difficulty of carrying on colonial government with two Houses of Parliament, while it exhibits the colony of New South Wales in a condition precisely similar to that of England during the agitation for the famous Reform Bill of 1832.

The Honourable John Robertson, Secretary for Lands under the Cowper Ministry of 1861, taking into consideration the very objectionable system that had long prevailed in the colony in the appropriation of the public lands, and the virtual exclusion of the great body of the people from

all participation in that valuable public property, and deeming it indispensably necessary to establish an entirely new system—one that would insure equity and justice to all classes of the community—in the administration of the public lands, submitted a Bill to Parliament for the establishment of the following principle for all future sales of land, whether surveyed or not:—

“Any person may, upon any Land Office day, tender to the Land Agent for the district a written application for the conditional purchase of any such lands, not less than forty acres nor more than three hundred and twenty acres, at the price of twenty shillings per acre, and may pay to such Land Agent a deposit of twenty-five per centum of the purchase-money thereof. And if no other like application and deposit for the same land be tendered at the same time, such person shall be declared the conditional purchaser thereof at the price aforesaid.”

Conditions were added as to residence and occupation, the purchaser, or *free selector*, as he is called, of any such portion of Crown Land having three years' credit for the payment of the remainder of his purchase-money; and if unable or indisposed to make payment after that period, to have liberty to defer payment for an indefinite period on paying five per cent. interest yearly on the principal amount. It was also provided in Mr. Robertson's Bill that the purchaser of any such allotment of land as above-mentioned, viz., from forty to three hundred and twenty acres, should be entitled to three times the extent of his purchase for grazing-ground, so long as it should not be claimed by any other free selector.

Such a measure of equity and justice for the people—so liberal in its character and so honourable to its author—as Mr. Robertson's Bill implied, had never been heard of before in the annals of the colony. It was violently opposed, however, during a long debate on the Bill in the House of

Assembly, and eventually thrown out by the Squatting majority, consisting as it did of gentlemen who had till then been occupying the public lands of the colony with their flocks and herds, in immense *runs* of tens of thousands of acres, often at a mere nominal rent of less than the eighth of a penny an acre. But these gentlemen have precisely the same kindly feelings towards any person of the humbler classes of society sitting down beside them on the public lands of the colony, as an English Squire has to a poacher.

In these circumstances, the Government being determined to give their measure a fair trial, immediately dissolved the Parliament and appealed to the country. The result of that appeal was a triumphant success. The opponents of the measure were everywhere thrown out; and as in England during the agitation for the Reform Bill of 1832, the cry throughout the colony was, "The Bill, the whole Bill, and nothing but the Bill!" The Bill was easily passed in the next Assembly, but it stuck fast in the Upper House, where the opposition that had been shown to it in the House of Assembly of 1860 was actually intensified; the members of that House being principally either Squatters or gentlemen who sympathized strongly with that class of the colonial community.

In such circumstances, what could the Ministry do but follow the precedent established by the first Earl Grey and sanctioned by King William the Fourth, when his Lordship was permitted by His Majesty to swamp the House of Lords if necessary, by creating and introducing into that House a sufficient number of new Peers to carry the Reform Bill? Their Lordships, however, had too much good sense to permit so dangerous a precedent for their order to be established; and therefore, when they could hold out no longer, so many of them left the House in a body that those who remained were enabled to pass the Bill, as they did accordingly. Now, precisely the

virtually took

place on the occasion in question in the Upper House of the Parliament of New South Wales. For as soon as the gentlemen who had consented to take part in the swamping process appeared to take the oath and their seats in that House, the President, Sir William Burton, *who could stand it no longer*, got up from his chair and walked out of the House, and the rest, as one of them recommended the others to do, merely *followed their leader*. There was thus no actual swamping in the case. It was merely a *good intention* that failed to be carried out through the voluntary act and deed of the House in virtually dissolving itself and leaving Mr. Robertson's Bill to be passed by their successors, as it actually was in good time.

There has been a great deal of mawkish pleading in this case on the part of certain colonial writers and politicians; and Sir John Young has been condemned by not a few for sanctioning such a proceeding as took place on the occasion. But I trust the candid reader will see that there is much to be said in the case for Sir John. *Necessity has no law*; and the case both in England and in New South Wales was clearly a case of necessity for which the law did not prescribe. There was no law to limit the number of the members of the Upper House in New South Wales, any more than there was for the British House of Peers. There was a mere *understanding* in both cases, and nothing more. The late Duke of Newcastle, who was then principal Secretary of State for the Colonies, virtually condemned and censured Sir John Young for consenting to act in the matter by increasing the number of the members of the Upper House, when there was such an *understanding* to the contrary. I wish his Grace, as Secretary of State for the Colonies, had only done his own duty to his country in another colonial case, to which I shall refer more particularly in the sequel, as Sir John Young did to his in the case in question. In this case the Duke strained at a gnat, and in the other I

refer to, he swallowed a whole caravan of camels—sacrificing unnecessarily the best interests of his country, and virtually throwing away the splendid inheritance of its people. But such was Government by Downing-street in times past.

As the whole proceeding, in the case I have thus detailed, was one of the utmost importance in the history of the colony, and will always be referred to as such, whatever opinions may be entertained on the subject, I deem it expedient and necessary to subjoin, from a Parliamentary Paper on the subject, the following documents, which will place the whole matter before the reader in the clearest light:—

PROCEEDINGS of the Executive Council relative to the appointment of New Members to the Legislative Council.

Extract from Minute No. 61-20, of 10th May, 1861.

PRESENT:—His Excellency the Administrator of the Government.

The Honourable the Vice-President.

The Honourable the Secretary for Lands.

The Honourable the Colonial Treasurer.

The Honourable the Secretary for Works.

The Honourable the Attorney General.

His Excellency the Administrator of the Government, at the instance of the Honourable the Vice-President, desires the advice of the Council as to the propriety of making additional appointments to the Legislative Council; the opposition extended to certain clauses of a Bill to provide for the Alienation of the Crown Lands, which has been passed and reaffirmed by the Legislative Assembly, seeming to render the adoption of such a course not only desirable but necessary.

The Council are fully alive to the grave responsibility accompanying this exercise of the power vested in the Governor and Council by the Constitution Act; but impressed with a sense of the mischief that must arise from any further delay in the settlement of this question, which has agitated the public mind ever since the establishment of Responsible Government, and upon which such a distinct expression of opinion has been elicited by the recent appeal to the country, they do not shrink from incurring that responsibility. They are unable, indeed, to perceive any alternative.

The existence of the present Legislative Council is limited to a few hours; and even were it clear that the conference which has been suggested between the two branches of the Legislature would result in any satisfactory settlement of the question at issue, it may seriously be questioned whether between them there is now time for such a conference.

For these reasons the Council advise that the course proposed by the Honourable the Vice-President be pursued, and that the gentlemen specified in the annexed list be offered seats in the Legislative Council, and in the event of all or any accepting such seat, that they be this day summoned to the Legislative Council accordingly.

EDWARD C. MEREWETHER,
Clerk of the Council.

Members recommended for the Legislative Council :—

William Bede Dalley.	George Graham.
John Gough Waller,	Alexander Portus.
George Oakes.	Edward Smith Hill.
James Byrnes.	James Murphy.
George Leary.	John Dawson.
John Williams,	George Thornton.
William Day.	Broadhurst Hill.
William Jones.	William Hellyer.
John Dickson.	Charles Richardson.
James Giles.	James Taylor.
William Hardy.	

*Letter of SIR W. W. BURTON to THE ADMINISTRATOR OF THE
GOVERNMENT.*

*Legislative Council Chambers,
Sydney, 10th May, 1861.*

SIR,—Referring to a communication from the Under Colonial Secretary, informing me that your Excellency has been pleased to appoint twenty-one persons to be Members of the Legislative Council.

This measure, taken at so critical a period of the Session of Parliament as of the last day appointed for the sitting of that House, and pending the consideration in this House of the question whether it shall insist upon its amendments of the Crown Lands Alienation Bill, is so significant, that I cannot doubt the intention of Her Majesty's Ministers to be to force, by means of the addition of

twenty-one new Members to the House, the passage of that Bill through the Legislative Council, contrary to the deliberate judgment of a large majority of its Members.

This proceeding has been resolved upon without those constitutional methods being first resorted to, of which no one can be better aware than your Excellency :—

1st. The House has not declined to insist upon its amendments, but only as to a part.

2nd. Even if the whole should have been insisted upon, there would be still left the opportunity for recommitment of the Assembly's Message, with a view to its reconsideration.

3rd. The dissolution of Parliament, or a change of Her Majesty's Ministers.

Lastly. The constitutional means of conference might have been resorted to.

And I respectfully state my opinion, that they should have been resorted to before the extreme measure of which I am only apprised within a few minutes of the time appointed for the meeting of the House, by a verbal communication from an Officer of the Government; and I feel constrained to declare to your Excellency, and to place upon record my deliberate opinion, that such a proceeding is in direct contravention of all British constitutional precedent, and as I cannot with honour retain the office of President of the Legislative Council under such circumstances, I hereby at once resign that office, together with my seat in the House, into your Excellency's hands.

I have, &c.,

W. W. BURTON.

PRIVATE SECRETARY to SIR W. W. BURTON.

Government House,

Sydney, 11th May, 1861.

SIR,—I am directed by His Excellency the Administrator of the Government to acknowledge the receipt of your letter, of date May 10, 1861, tendering the resignation of your office of President of the Legislative Council.

His Excellency desires me to express his regret that you should have felt called upon to resign this high office. He cannot enter upon the discussion of the reasons which you assign for your decision, impugning as they do the advice tendered by the Colonial Ministers. They are quite preparatory and justify the legality and fitness of the course taken under the circumstances.

His Excellency will duly refer your letter to them for consideration ; but, in the meantime, as you say you cannot with honour retain the office of President of the Legislative Council, His Excellency has no alternative but to accept your resignation.

I have, &c., .

F. TURVILLE,

Private Secretary.

SIR W. W. BURTON AND OTHER MEMBERS OF THE LEGISLATIVE COUNCIL to ADMINISTRATOR OF THE GOVERNMENT.

Legislative Council,

Sydney, 10th May, 1861.

SIR,—We, the undersigned Members of the Legislative Council of New South Wales, do hereby, in conformity with section 4 of the Constitution Act, resign our respective seats as such Legislative Councillors, for the following reasons, namely :—

1. That the sudden introduction of so large a number of Members, for the purpose of coercing the majority of the Legislative Council, is in our opinion a highly dangerous and unconstitutional exercise of the prerogative.

2. That it puts an end absolutely to the power and object of deliberation in the Council, as a co-ordinate branch of the Legislature, and to all proper means of decision, and because it violently forces a decision upon the House contrary to that which it was disposed to give upon the immediate question at issue.

That it is a fatal blow to the dignity and independence of the Council, and exposes the Constitution to the imminent hazard of subversion.

We have, &c.,

W. W. BURTON.

E. DEAS THOMSON.

JNO. LAMB.

JOSEPH DOCKER.

R. J. WANT.

ROBT. JOHNSON.

ALEXR. BERRY.

T. H. HOOD.

FRAS. LORD.

JOHN ALEXANDER.

FRANCIS L. S. MEREWETHER.

RT. TOWNS.

ALEXANDER PARK.

HENRY PRINCE.

W. P. FAITHFULL.

EDWARD BROADHURST.

G. K. HOLDEN.

ROBERT M. ISAACS.

G. HILL.

J. MITCHELL.

PRIVATE SECRETARY TO SIR W. W. BURTON AND OTHER MEMBERS OF
THE LEGISLATIVE COUNCIL.

Government House,

Sydney, 11th May, 1861.

GENTLEMEN,—I am desired by His Excellency the Administrator of the Government to acknowledge the receipt of your joint communication of date May 10th, 1861, by which, in conformity with section 4 of the Constitution Act, you resign your respective seats in the Legislative Council.

His Excellency desires me to express how deeply he regrets that so large a number of highly-respected gentlemen should, for whatever cause, have decided upon withdrawing their services from the public.

Under the circumstances, however, His Excellency has no alternative but to accept your resignations, though he does so with extreme regret.

I have, &c.,

F. TURVILLE,

Private Secretary.

THE SECRETARY OF STATE FOR THE COLONIES TO GOVERNOR SIR JOHN
YOUNG.

(Separate.)

Downing Street,

26th July, 1861.

SIR,—I have to acknowledge your despatch, No. 37, of the 21st May, enclosing a copy of the Proclamation by which you had prorogued the Parliament of New South Wales, on the 11th of that month, in consequence of the approaching expiration on the 13th of the period to which the first nominations to the Legislative Council were limited.

With regard to the reconstruction of that body, I have nothing to add to my despatch of the 4th February last, the recommendations of which I am glad to hear from you will not have been overlooked by yourself and your Ministers in taking the measures necessary for the purpose; but I cannot pass by without notice your report of the means which you took, by the advice of your Responsible Advisers, to insure the passing of the Land Bills through the Legislative Council—the creation, namely, upon a sudden, and for a single night, of a number of Legislative Councillors, which you do not specify, but which must have been sufficient to convert a large majority against the Bills into a majority in their favour.

I am fully sensible of the very difficult position in which you found yourself when pressed to take such a course, under a threat of resignation, by Ministers whom you say you could not have replaced. I regret, however, that they should have offered you that advice, and that you, even under the circumstances which you describe, should have accepted it. A measure so violent and in its nature so unconstitutional could only be justified by circumstances of the gravest danger and the greatest urgency, which did not, as it appears to me, exist on the present occasion. Your resistance to it could only have led to the same state of things (after, perhaps, a ministerial crisis) which has actually resulted from the defeat of the attempt to force the Bills through the Council by the counter stratagem to which the Opposition resorted,—and would, I can hardly doubt, have received a large amount of approval and support from the public opinion of the colony, irrespectively of the merits of the measures which happened to be in question.

I have thought it my duty to say so much by way of comment upon a proceeding which is not creditable to the cause of Constitutional Government in Australia, while it tends to weaken the position of the Governor; but I can at the same time make great allowances for the difficulties of the dilemma in which you found yourself placed so soon after your arrival in a new sphere of duty, and I am sure that you acted as appeared to you, at the moment, best for the public interests.

I have, &c.,

NEWCASTLE.

7 On the completion of the usual period of six years of office for a Governor, Sir John Young demitted his charge and left the colony on the 24th of December, 1867. He subsequently held for a few years the office of Governor-General of Canada; and on his return to England, he was created a Peer of Parliament under the title of Lord Lisgar.

During the short vacancy that ensued, the Government was administered by Sir Trevor Chute, K.C.B., till the 8th of January, 1868, when Sir John Young was succeeded by the Right Hon. Somerset Richard, Earl of Belmore, and a Privy Councillor.

Earl Belmore was a man of respectable, but not of com-

manding talents; and he unfortunately lacked the happy gift of utterance that distinguished his predecessor, Sir John Young. On one occasion, when the Government of the day was upset by a vote of mine, in passing over at the critical time to the opposite side, previous to an important division—the ministry being merely saved for the moment by the casting vote of the Speaker—I admired the tact and firmness of His Excellency in declining to grant a dissolution of Parliament to the Premier, Sir James Martin, who had consequently to go out. In traversing the territory also, in all directions, to make himself acquainted with the wants and wishes of the people, Lord Belmore deserved the highest praise, as he did also in his countenance and support of the charitable institutions of the colony.

It was during the administration of Earl Belmore, that the Duke of Edinburgh, then on a passing visit to the colony, was shot—although providentially not mortally—by the assassin O'Ferrall. And when the whole colony was presenting addresses of sympathy and condolence to His Royal Highness, through His Excellency Earl Belmore, the Chinamen of Sydney, to whose countrymen throughout the colony I had rendered some service shortly before, in carrying the repeal of an obnoxious tax of ten pounds a head on their entering the colony, to which they had been subjected in a time of panic, requested me, through a deputation of their number, to assist them in getting up an address of sympathy also. I did so accordingly. The address was in English, beautifully written on parchment; but the signatures were all in Chinese characters, with the proper English equivalent of each. I presented the deputation to Earl Belmore, who was much gratified on receiving the singular document, to which he made the requisite reply for the Prince. One of the Chinamen, a respectable merchant in Sydney, had married an Englishwoman in Hong Kong; and their interesting little boy of five years of age,



having expressed his strong desire to accompany the deputation, we took him along with us to Government House, where I presented him to His Excellency as an interesting specimen of the friendly union of the great empires of Great Britain and China.

Lady Belmore's health having failed in the colony, His Lordship was induced to resign his office and to return to England at the close of the fourth year of his government, on the 25th February, 1872.

On the departure of Earl Belmore the Government of the colony was administered for about three months by His Honour, Sir Alfred Stephen, Chief Justice; His Excellency Sir Hercules Robinson, who had previously been Governor of Ceylon, having arrived in the colony and assumed the government the 3rd of June, 1872.

In accordance with the prudent maxim of Old Bungary, and the two eminent French authorities I have quoted above, it would scarcely be proper to say much about his present Excellency. I shall therefore only observe, as I am happy to do, that he has won golden opinions in all directions, for the ability he has shown in estimating the wonderful resources of the colony, and the eloquence with which he describes them. There is one thing, however, which I do not admire in His Excellency as the Governor of New South Wales, and consequently the natural and influential leader of its society. His Excellency has a passion for horse-racing, and is also the life and soul of the Four-in-hand Club.* Now, as there is a perfect mania for horse-racing throughout the colony, I cannot but regard it as somewhat unfortunate for the best interests of the com-

* The following notice is copied from the *Sydney Herald*, May 11th, of the present year:—"A letter has been received by Mr. A. Chirnside, of Werribee Park, from His Excellency Sir Hercules Robinson (the *Geelong Advertiser* says), announcing His Excellency's intention of being present at the spring meeting of the Victoria Racing Club."

munity, that an additional stimulus should thus have been given in this particular direction by the representative of Her Majesty. Without intending, however, to censure His Excellency, I shall conclude this notice with a paragraph or two on horse-racing in the colony, which I wrote many years ago—long, indeed, before Sir Hercules Robinson had arrived in New South Wales.

There had been occasional races in the colony during the government of Major-General Macquarie; but the organization of a regular system of yearly races all over the territory, dates from the administration of Sir Thomas Brisbane.

There was a Turf-Club established under the auspices of Sir Thomas shortly before his leaving the colony—ostensibly for the improvement of the breed of horses, but in reality for the periodical exhibition of horse-races. I am not singular in supposing that this institution was not likely to be of much service to the colony, even in the way of improving the breed of horses, for the horse chiefly required in the colony is surely not the race-horse. To this view of the matter, however, I attach no importance. Sir Thomas Brisbane, doubtless, thought the club would be useful in the way I have mentioned; and accordingly took it under his special patronage, and set apart funds for the purchase of a silver cup, to be called *The Brisbane Cup*, and to be run for under its management.

There are sentimentalists in New South Wales, as there are in the mother country, whose tender hearts, forsooth, overflow with compassion for *the poor horses* on such occasions. I confess I have no such mawkish feeling. If the race-horse is made for running—as he evidently is—let him run by all means. But there are real and imaginary evils of a different kind, necessarily connected with all such exhibitions in a colony like New South Wales; for the colonial races are not merely the “the periodical assemblage of all the

the colony" (to use the appropriate phrase), but the signal for the concentration of all its vice and villainy, and for the consequent recurrence of scenes of gambling and drunkenness and dissipation, which it is unnecessary to describe. A judicious governor of that colony would, therefore, have hesitated ere he patronized and encouraged an association, the certain tendency of which was to deteriorate and debase the breed of men, notwithstanding its holding forth the chance of improving the breed of horses; for although it often happens in New South Wales, as it does sometimes in England, that the horse is the nobler animal of the two, he is not the one who is capable of the highest improvement, or whom it is of the greatest consequence to society to improve; he is not the one who was originally *made but a little lower than the angels*, and who, notwithstanding his present debasement, may yet be enabled to reascend to that height of glory from which he fell.*

The colonial publicans are, for obvious reasons, extremely active in getting up races wherever they fix themselves. I was travelling on one occasion to a distant district in the interior, and took a place on the top of one of the colonial coaches, so far as it went in the direction in which I was about to proceed on horseback for the remainder of the journey. I was seated behind the driver, who had a well-dressed person alongside of him on the box, from whose loud and voluble conversation I soon learnt that he was a free emigrant Englishman, recently arrived in the colony,

* In crossing overland from Sydney to Melbourne many years since, I found that there were regular races established at Albury, although there was neither a school nor a place of worship within a hundred miles in any direction! At the last races, before my visit, the stockmen for a hundred miles round had been congregated in the vicinity for the betting, gambling, and drinking which the scene afforded. They had continued the races on Sunday, and had compelled the nearest publican to serve out rum to them on the course in buckets-full!

who had just taken a public-house at a short distance from the town towards which we were travelling. There was a large open field adjoining the house, which, it naturally occurred to him, was admirably adapted for a race-course; and he had accordingly proposed the matter to the nearest racing-club, who it seems were just looking out for such a thing, offering them free stabling for their *'osses*, provided they made the race-course on the field in question. Besides, I was enabled to learn that he had a skittle-ground on his premises for people to amuse themselves "of a Sunday,"—and it had this peculiar recommendation, that it was "out o' sight of your church-going people, who mightn't like much to see such a thing on their way to prayers."

It is peculiarly unfortunate for the real welfare of the colony, that gentlemen of the first rank in its limited society should condescend to league themselves in this manner with the veriest publicans and sinners to demoralize and ruin the colony. The race of fools and spendthrifts is happily neither numerous nor influential in the mother country, and may therefore be left with perfect safety to the nation at large, to pursue their proper course of extravagance and folly; but, unfurnished, as so many of them have hitherto been unhappily left, with the good principles that are elsewhere derived from a manly education, it is natural for the native youth of New South Wales to look up to the free emigrant gentlemen of the territory, and to follow their example; and when they see the latter busily employed in training up race-horses, and betting lustily on their performances, perspiring at a cricket-match, or huzzaing at a regatta, what can they possibly suppose, but that such puerile and contemptible employments are fit for men?⁴

⁴ "Horse-racing," observes the late Rev. Dr. Dwight, President of Yale College in America, "has for a long period been a favourite

pursuit. This gross amusement turns polished men into clowns, and clowns into brutes."—*Dwight's Travels in New England and New York*, vol. iii. p. 56.

"Some farrier should prescribe his proper course,
Whose only fit companion is his horse;
Or if, deserving of a better doom,
The noble beast judge otherwise,—his groom:
If neither horse nor groom affect the squire,
Where can at last his jockeyship retire?
O, to the club, the scene of savage joys,
The school of coarse good-fellowship and noise.
There, in the sweet society of those
Whose friendship from his boyish years he chose,
Let him improve his talent if he can,
Till none but beasts acknowledge him a man."—COWPER.

APPENDICES.

APPENDIX I.

No. I.—Page 72.

EXTRACTS OF EVIDENCE IN APPENDIX TO REPORT FROM
THE SELECT COMMITTEE OF THE HOUSE OF COMMONS
ON TRANSPORTATION, 1812.

MAURICE MARGAROT called in, and examined.

In what year did you sail to New South Wales? In 1794.

And to what period did you remain? Till the year 1810.

Did you observe that in consequence of the mode in which the convicts at Botany Bay were treated, that their morals and conduct were improved by their treatment? No.

What do you conceive to be the obstacles to their improvement? The selection of the officers by Government who are sent out there, and the arbitrary mode in which that Government is carried on, forasmuch as they have no rule to go by but one Act of Parliament, which enjoins them to keep as near to the laws of England as they can.

Point out what you conceive to be the principal defects in the system adopted by the officers sent out by this country? Trade, and personal ignorance; for to nothing else can their behaviour be attributed; it is barbarous and cruel in the extreme.

Do the majority of the officers to whom the government of the colony is entrusted embark in trade? All, to a man.

What is that trade? It consists, first of all, of monopoly, then of extortion; it includes all the necessaries of life which are brought to

the colony. The trade the officers are engaged in is, first, the supply of stores with wheat and pork, sometimes beef and mutton, to the exclusion of the settlers; next, vessels arrive from different parts of Europe, and from India, with such articles as may be deemed luxuries; tea, sugar, rum, wine, little matters for clothing, silk handkerchiefs, &c., and a variety of articles; the officers purchase them, and retail them at perhaps 500 per cent. profit. There is likewise another monopoly; the Government has been very kind to the colony, and sent out various articles for the use of the settlers and prisoners, such as sieves, hats, clothes, linen, coarse cloth, and a thousand other articles; when a ship of that kind has arrived, and the goods have been landed in the King's stores, after a few days the stores are opened to the officers, who go in, lay their hands upon everything of value, and have their names affixed to it as purchasers, and they leave nothing but the refuse for the colony; having so done by themselves or by their agents, they retail that, as I said before, at 500 per cent. profit. I believe I am not out when I say, that a sieve, to sift meal, which cost them 5s. 9d., has been sold for three guineas, and rum I have known sold at 8l. a gallon, which cost 7s. 6d.

Do you mean that civil officers, or military, or both, are engaged in this trade? All of them, to a man. In the year 1797, a combination bond was entered into by them, by which they were neither to underbuy nor undersell the one from the other.

How was that known in the colony? Because it was offered me to sign, and I refused it, and from thence began my persecution: some of the upper inhabitants had that bond tendered them to sign; it was brought to me, I refused signing it: it went in fact to do what they have done ever since without it; there was an *esprit de corps* among them, that although they might jar between one another, if you offended one, you offended the whole; and any poor prisoner that had the misfortune to offend any one officer would be sure to get a flogging from some other.

Are not the settlers supplied with servants upon the first arrival of the convicts? No, they are not; they must wait till all the officers are served; they must wait till they can make interest with some person in office to obtain one.

Do you think the colony in a more flourishing state when you came away, than when you went there first? Proportionably less. There were about 4000 inhabitants when I went there; there were but about 11,000 or 12,000 when I left it.

Did the respectable part of the society appear to you to be increasing? There was very little respectable there.

APPENDIX II.

No. II. Page 116.

CAPTAIN BLIGH'S ACCOUNT OF HIS ARREST BY THE 102ND REGIMENT.

"THE regiment marched down from the barracks, led on by Major Johnston and the other officers, with colours flying and music playing as they advanced to the house. Within a few minutes after, the house was surrounded; the soldiers quickly broke into all parts of it, and arrested all the magistrates, Mr. Gore, the provost-marshal, Mr. Griffin, my secretary, and Mr. Fulton, the chaplain. I had just time to call to my orderly sergeant to have my horses ready, while I went up stairs to put on my uniform, the family being then in deep mourning; when, on my return, as I was standing on the staircase waiting for my servant with my sword, I saw a number of soldiers rushing up stairs with their muskets and fixed bayonets, as I conceived to seize my person. I retired instantly into a back room, to defeat their object, and to deliberate on the means to be adopted for the restoration of my authority, which in such a critical situation could only be accomplished by my getting into the interior of the country adjacent to the Hawkesbury, where I knew the whole body of the people would flock to my standard. To this situation I was pursued by the soldiers, and after experiencing much insult was conducted below by Lieut. Minchin, who told me that Major Johnston was waiting for me. We passed together into the drawing-room, every part being crowded with soldiers under arms, many of whom appeared to be intoxicated.

"I then received a letter, brought by Lieutenant Moore, and signed by Major Johnston (calling himself Lieutenant-Governor), requiring me to resign my authority, and to submit to the arrest under which he placed me; which I had scarcely perused, when a message was delivered to me, that Major Johnston wished to speak to me in the adjoining room, at the door of which he soon after appeared, surrounded by his officers and soldiers; and in terms much to the same effect as his letter, he there verbally confirmed my arrest. Martial law was proclaimed, my secretary and my friends were prevented from seeing me, and I was left only with my daughter and another lady.

"By Major Johnston's orders several persons seized my cabinet and papers, with my commission, instructions, and the great seal of the colony. These were locked up in a room, guarded by two

sentinels, and several others were placed round the house to prevent my escape.

"On the following day Lieutenant Moore came with Major Johnston's orders, and carried away my swords and what fire-arms he found in the house."

The following is a copy of the letter alluded to by the Governor.

"Head Quarters, January 26th, 1808.

"SIR,—I am called upon to execute a most painful duty. You are charged by the respectable inhabitants of crimes that render you unfit to exercise the supreme authority another moment in this colony; and in that charge all the officers serving under my command have joined.

"I therefore require you, in His Majesty's sacred name, to resign your authority, and to submit to the arrest which I hereby place you under, by the advice of all my officers, and by the advice of every respectable inhabitant in the town of Sydney.

"I am, Sir,

"Your most obedient humble servant,
(Signed) "GEORGE JOHNSTON,

"Acting Lieutenant-Governor, and Major commanding New South Wales Corps.

"To William Bligh, Esq. F.R.S.,

&c. &c."

APPENDIX III.

Page 130.

RESULT OF THE TRIAL OF COLONEL JOHNSTON FOR THE MUTINY AND REBELLION OF 1808.

"GENERAL ORDERS.

"Horse Guards, July 2nd, 1811.

"At a General Court-Martial, held at the Royal Hospital, Chelsea, on the 7th of May, 1811, and continued by adjournment to the 5th of June following, Lieut.-Col. George Johnston, Major of the 102nd Regiment, was arraigned upon the under-mentioned charge, viz. :—

"That Lieut.-Col. George Johnston, Major as aforesaid, did, on

or about the 26th day of January, 1808, at Sydney, in the colony of New South Wales, begin, excite, cause, and join in, a mutiny, by putting himself at the head of the New South Wales Corps, then under his command, and doing duty in the colony, and seizing and causing to be seized and arrested, and imprisoning and causing to be imprisoned, by means of the above-mentioned military force, the person of William Bligh, Esq., then Captain-General and Governor-in-Chief in and over the territory of New South Wales.'

"Upon which charge the Court came to the following decision :—

"The Court having duly and maturely weighed and considered the whole of the evidence adduced on the prosecution, as well as what has been offered in defence, are of opinion that Lieut.-Col. Johnston is *guilty* of the act of mutiny as described in the charge, and do therefore sentence him to be *cashiered*.'

"His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, was pleased, under all the circumstances of this case, to acquiesce in the sentence of the Court.

"The Court in passing a sentence so inadequate to the enormity of the crime of which the prisoner has been found guilty, have apparently been actuated by a consideration of the novel and extraordinary circumstances, which, by the evidence, on the face of the proceedings, may have appeared to them to have existed during the administration of Governor Bligh, both as affecting the tranquillity of the colony, and calling for some immediate decision. But although the Prince Regent admits the principle under which the Court have allowed this consideration to act in mitigation of the punishment which the crime of mutiny would otherwise have suggested, yet no circumstances whatever can be received by His Royal Highness in full extenuation of an assumption of power, so subversive of every principle of good order and discipline, as that under which Lieut.-Col. Johnston has been convicted.

"The Commander-in-Chief directs that the charge preferred against Lieut.-Col. Johnston, together with the sentence of the Court, and His Royal Highness the Prince Regent's pleasure thereon, shall be read at the head of every Regiment, and entered in the Regimental Orderly Book.

"By command of His Royal Highness,

"The Commander-in-Chief,

"HARRY CALVERT, Adj.-Gen."

APPENDIX IV.

Page 275.

"THE LIBEL CASE.

"Mr. Wentworth's application was grounded on an affidavit by Mr. Edward O'Shaughnessy, then Editor of the *Sydney Gazette*, embodying the portions of the article at which he had taken offence, and attaching the requisite innuendos in the usual style.

On being called upon by the Court to show cause why a criminal information should not be granted in the case, Dr. Lang submitted a counter affidavit, which was accordingly read in Court, disclaiming all personal malice towards the plaintiff, and alleging that the only ground and origin of the publication alleged to be libellous was a sincere desire to promote the best interests of the public.

Dr. L. then addressed the Court in a speech of two hours, of which the following is an abstract :—

"Although I am not accustomed to speak in public in such circumstances as those in which I now find myself, I cannot but account myself fortunate in being permitted to speak in my own behalf in any circumstances whatever. It is a privilege I have seldom enjoyed in this colony for many years past; for constituted as the colonial press has been till very lately, and engaged as I have been, in undertakings which have appeared to me to be connected with the advancement of the public welfare, I have often been obliged to sit silent, while my character was traduced, and my motives and actions misrepresented by the press, without being permitted to say a single word for myself in any way.

"During the long period I have resided in this colony, I have often had occasion to observe, that the progress of that system of reformation, for which it was originally established, was not only slow, but was retarded at every step by certain counteracting influences within the colony; that the state of society, in regard to the prevalence of virtuous feelings on the part of the community, was exceedingly degraded; and that the standard of public morals was so low, that crime itself was on all hands openly and unblushingly dignified with the honourable epithet of misfortune. In looking around for the cause and origin of such a state of things, I could not help observing also that the press had been mainly instrumental in bringing it about. That mightiest engine, which the Almighty had ever enabled mortal man to make use of for the reformation of

society, had, it seemed to me, been employed in this colony to increase and to perpetuate its moral degradation. Poison, it appeared to me, had been cast into that fountain, which the All-merciful had opened to pour forth healing waters over the whole face of society; and that which had been given by Divine Providence as a *spirit of health* to mankind, had, to use the phraseology of the poet, been transformed, in the hands of unprincipled men, into a very *goblin damned*.

"It appeared to me, therefore, that no general reformation could either be expected or hoped for in this colony, until the press itself should be reformed—till that powerful engine should be placed in the hands of men in whom the public could place confidence, to whom they could look up with some degree of respect as their guides and instructors, and to whose opinions they would not be ashamed to defer. In considering the state of things in the colony, more particularly in reference to this matter, I could not help observing, that *The Sydney Gazette*, the oldest paper in the colony, the only one that was published three times a week, was under the management of an individual, who had been transported to this colony for his crimes, and who, within the last few years, had held the situation of somebody's convict-servant, or government-man in the town of Sydney—a situation, in comparison with which, in reference to the moral character it implied, the lowest pauper in England had much to boast of—nay, and that the associate of this individual, in his editorial labours, was another individual actually undergoing the sentence of transportation, as a convict holding a mere ticket of leave.

"In these circumstances, it appeared to me that it was the bounden duty of every person who had the welfare of the colony at heart, and who felt himself at all competent to the task, to expose, and thereby, if possible, to put an end to a system which admitted such enormities. With this view, and with this view alone, was the article written, for which I am now called to answer before Your Honours, as a false, scandalous, and malicious libel. That article was written to impress upon the reputable portion of this community this important principle,—that an individual who had been transported to this colony for his crimes was incompetent to have the management of such an engine as the press in New South Wales,—that a state of things which permitted such an individual to assume the management of such an engine was a positive disgrace to this colony, dangerous to the interests of pure morality, and the greatest obstacle that could possibly exist to the attainment of those political

rights and privileges which all classes of its free inhabitants so ardently desire.

"The principle contended for in the article referred to—viz., that an emancipated convict is incompetent to have the management of the public press—could never for one moment admit of question in England; and if such a question is entertained, and requires to be agitated here, it only shows that we are as much at the antipodes of Great Britain in point of moral feeling as we are in point of geographical position. No emancipated convict would ever dream of making such a bold experiment on the forbearance of the community, as to assume the management of so powerful an engine as the press in any of His Majesty's three kingdoms; and if the enormity has been practised and tolerated here, it only shows how deeply we have sunk, as a community, below the standard of public feeling in England; and how absolutely necessary it is, for those who have the welfare of this colony at heart, to make the most strenuous and unremitting efforts to put an end to a system which permits such enormities, and thereby to elevate the tone of public feeling in this colony to its proper, its English level.

"It will doubtless be argued in reply to this reasoning, that the state of things in this colony is very different from what it is in England,—that we have here a community consisting in a great measure of emancipated convicts, and a large number of convicts in actual bondage; but this difference, so far from rendering it either expedient or safe for the community to have the press in this colony under such management as *The Sydney Gazette* is under at this moment, increases the danger of such a state of things tenfold, and renders it a matter of still more urgent and imperious necessity to have so preposterous a system brought to an end.

"Your Honours are well aware of the nature and strength of those feelings that constitute what is styled *esprit de corps*—how they warp a man's understanding, and scoop out a totally different channel for his affections from the one in which they would otherwise have flowed. What, then, I would ask, is the nature of those feelings that constitute the *esprit de corps* of an emancipated convict? or in what particular channel do his sympathies flow? Why, the sympathies of an emancipated convict must necessarily be exercised in favour of all and sundry who belong to the same class as he has himself belonged to, and who occupy the same situation as he has occupied himself—for the tenants of hulks and jails, for men who are actually undergoing the sentence of transportation for their crimes—and it is a principle in human nature, that when our sym-

pathies are engaged for any man's person, they are most easily transferable to his acts. Sympathy for the criminal, on the part of the emancipated convict, thus becomes sympathy for his crime. The feeling of kindliness towards the one becomes a feeling of tenderness towards the other; in proof of which I can appeal to Your Honours for the truth of the statement I have already made in reference to the state of public feeling in this colony, viz.—that the name by which *crime* is most frequently distinguished in this colony is *misfortune*. The natural result, therefore, of a state of things, in which the press has been under the management of emancipated convicts and ticket-of-leave men, or of men who have the same *esprit de corps* with these classes of our community,—is that the standard of morals and of public feeling has been authoritatively lowered throughout the colony, and that the press generally has sunk to a somewhat correspondingly low and degraded condition. But the principle of *esprit de corps* operates to the disadvantage and injury of the community, in the case of an emancipated convict having the management of the press, in another and most important respect; for, taking it for granted, as I feel constrained to do, that an emancipated convict, who assumes the management of such an engine as the press in this colony, must necessarily be an unreformed character, what regard can the man who has no character of his own have for the character of others? His object, in accordance with the well-known principles of human nature, must necessarily be to reduce all and sundry to the same level with himself—to obliterate the sense or recollection of his own disgrace by obliterating the distinctions between vice and virtue.

“Now, considering that *The Sydney Gazette* had been the prime source of pollution, and the chief cause of the degradation of the press, in this colony, and considering also, that this had arisen from that paper being at present under the management of convicts and emancipated convicts, as well as from its having been almost all along under the influence of men whose sentiments and opinions had been formed, and whose characters had been cast, in that mould;—it appeared to me that I should be discharging a public and most important duty, by pointing out to the colony the true character of a system of such enormity, that so powerful and influential an engine as the press might, if possible, be wrested from the hands of incompetent and unworthy persons.

“And to satisfy Your Honours that such was the real origin and object of the article which has been characterized by the plaintiff as a false, scandalous, and malicious libel, I shall read a portion of it to Your Honours:—

“THE LITERARY PROFESSION, OR THE COLONIAL PRESS.

“When the business of an editor of a newspaper was merely to report the common occurrences—the accidents and offences—of the day, and especially when his readers comprised only a small portion of the general population, his office was neither important nor influential. Such was the state of the periodical literature of Great Britain within the recollection of many individuals yet alive; the mass of the people were utterly devoid of curiosity as to what was happening in the great world around them; and the miserable periodical press of the period merely furnished the country squire, the parish clergyman, and the village milliner, with a list of the births, marriages, and deaths of the day.

“The first important event that led to a different state of things—arousing the nation from its state of lethargy, and exciting the press into vigorous action—was the American war; an event which in one day severed thirteen flourishing colonies from the parent state, and subjected the British arms to a series of disastrous repulses, such as they had never experienced from all the chivalry of France. That event, awakening as it did a warm sympathy on behalf of the injured and oppressed Americans in the breasts of a large proportion of the general intelligence and virtue of the nation, led the people at large to inquire, on the one hand, into the political rights of their fellow-subjects, the late colonists of America; and to hold an inquest, on the other, on the miserable policy of their rulers, whose incapacity and gross mismanagement had made the nation—

“A destiny meet,

So dark with dishonour, so foul with defeat.

“Shortly after this period of national excitement, the French Revolution came like a thunder-clap upon the dwellers in the world. By that *earthquake*—in the course of which *the tenth part of the Babylonish city fell, and the sun and moon were darkened, and the stars refused to give their light* in the political firmament of an ancient European kingdom—the minds of men were again strongly excited, and the press began to exercise an influence and a power which it had never done before. The nature and character of this excitement were altogether political; and the inquiries to which it led respected the constitution and the administration of government, and the national, civil, and political rights of men.

“The unfortunate issue of the French Revolution, and the military despotism in which it terminated, enabled the Toryism of

England to repress the spirit of the age for a whole quarter of a century, by involving the nation in what is now considered, almost universally, an unjust and unnecessary war. But that war came to an end, and so also did the peace that followed it; for in a period of profound tranquillity the revolutionary drum was again beat fiercely, and France, Belgium, and Poland were fearfully convulsed to their centres. Surrounded though they were with the ocean waves, it was not to be supposed that the British Isles could remain unaffected in the midst of this *moving of the waters*; the revolutionary wave passed over them also, and the Reform Bill was the earliest grand result of the mighty movement that ensued. In the progress of that movement the press suddenly assumed a position which it had never occupied before, and began to exert an influence which no party, however wealthy, or numerous, or powerful, could disregard with impunity; for, instead of merely affording the country squire, the parish clergyman, and the village milliner, a list of the births, marriages, and deaths of the day, as it did fifty years ago, that powerful engine now commands the willing attention of myriads and myriads more of the general population, and has acquired the power of influencing, either for good or for evil, vast masses of men. In short, the object of the press is no longer to furnish a list of "hair-breadth 'scapes, and moving accidents by flood and field," but to enlighten the understanding and to guide the judgment of nations, and thereby to ameliorate the condition of the human race. In pursuance of this object it has reared for itself a dictatorial throne in the face of all Europe, and given forth laws for the general welfare of society, which even monarchs must obey; it sits in judgment on all matters of foreign and domestic policy, and from its ultimate decisions there lies no appeal; it holds its inquests on the characters and principles of all public men, from the first Magistrate of the State to the meanest constable: and whereas the old British Constitution acknowledged only King, Lords, and Commons, it has in so far new modelled that Constitution, as to get itself acknowledged the fourth, and that not the least influential, estate of the realm.

"What, then, shall we think of the state of things in a community, formed of British subjects, in which the manager of so powerful an engine, the occupant of a situation of such commanding influence and such high responsibility, is an individual who was only yesterday, as it were, a transported felon, and whose ankles are probably still blue with the marks of his iron fetters? What shall we think of the presumption of the party or parties who could insult the good feelings of a whole community by such an arrangement? What

shall we think of the moral and political degradation of that community itself, that could tolerate such an arrangement for a single day ?

“The late Mr. Robert Howe, editor and proprietor of *The Sydney Gazette*, being unfortunately supposed useful to the late colonial administrations in a variety of ways, was treated by these administrations with especial indulgence, and occasionally received favours which the rival editors of the colony could not even hope to obtain. In this way a person of the name of O'Shaughnessy was assigned to him as a government-man or convict-servant, and was found so useful in that capacity, as a collector of accidents and general reporter to the paper, that Mr. Howe treated him with much more indulgence as a convict-servant than he could have had directly from the Government as the holder of a ticket-of-leave. O'Shaughnessy, our readers will perceive, was of the class of specials or literary convicts—a class, which Sir Robert Peel rightly considered as far more dangerous to the reputable portion of this community than the poor Irish White-boy or English machine-breaker, and, accordingly, ordered the late Governor to send direct to the penal settlements of Wellington Valley, Moreton Bay, or Norfolk Island ; but of which General Darling occasionally allowed individuals, in direct contravention of that salutary regulation, to get back to Sydney, to the great annoyance of the colony. At what time or in what manner O'Shaughnessy obtained his emancipation—whether by servitude or by favour—we neither know nor care ; but during the respective incumbencies of the Rev. Messrs. Mansfield and Carmichael, as editors of *The Sydney Gazette*, for some time after the death of Mr. Howe, he occasionally wrote secondary articles for *The Sydney Gazette* (by whose proprietors he was still engaged as reporter, clerk, and newsmonger), which, in order to enable those who were no judges of style to distinguish from his principal's were generally indicated by an index or hand.

“It was then stated that O'Shaughnessy had at length become editor of *The Sydney Gazette*, and that the paper had declined in consequence.

“But the evil done to this colony generally, by the introduction of such a man as Mr. O'Shaughnessy into such a situation as the one he occupies, is of a still more serious kind. In short, it is the most effectual means that could possibly be adopted by the worst enemies of the colony, to lower its character in the estimation of His Majesty's Government and the Parliament of England, and to bring it into absolute contempt.

“It will doubtless be urged in reply to these observations, that

an emancipated convict is restored to all the rights and privileges of a free subject, and may therefore undertake the management of the press, as well as fill any other situation for which he is competent. I admit that the emancipated convict is restored to all the rights and privileges of a free subject, inasmuch as he is free to claim, and is sure to receive, the protection of the law as a member of society, in the exercise of whatever reputable business or calling he may engage in for earning an honest livelihood, equally with any other free subject of the realm ; but if it is meant to be insinuated, as is generally done when the case is argued by the press in this colony, that the emancipated convict is restored to all the rights and privileges of a free subject, in such a sense that he stands thereafter upon exactly the same ground, in all respects whatsoever, as any other free subject on whom the sentence of transportation has never passed, I deny the position altogether. Why, if the restoration to rights and privileges, which an emancipated convict who has undergone the sentence of transportation can rightly claim, is to be understood in so wide and unlimited a sense as is thus contended for, then might we find an emancipated convict, provided he had previously received the requisite education, sitting on that bench with Your Honours, or pleading as a barrister in this Court ; for these are objects of ambition to which every other free subject may look forward under our happy constitution, in which mere humbleness of birth precludes no man from either seeking or obtaining the highest honours of the State. But Your Honours are aware, that no such anomaly can possibly occur even in this land of anomalies : for, in order to keep the fountain of justice pure and unsuspected, and to maintain a becoming respect for this Honourable Court throughout the country, this Court has found it both expedient and necessary to protect itself from the intrusion of any such individuals ; inasmuch, that not only is it incompetent for an emancipated convict to sit on that bench with Your Honours as a judge, or to plead in this Court as a barrister, it is even incompetent for him to practise in the lowest rank of the profession as an attorney. And, if it is indispensably necessary for the public welfare, and for the interests of justice and morality in this colony, to protect this Court from the intrusion of emancipated convicts into any department of the legal profession, are not these interests equally concerned, and does not regard for the public welfare equally demand, that the situation of an editor of a public newspaper shall be protected from a similar intrusion,—especially in an age like the present, in which the press claims for itself a species of absolute domination over all interests, over all classes of society,

over all men? If a judge acts corruptly, he is amenable to justice, and may be impeached with comparative facility; if a barrister or attorney acts corruptly, it is in the power of this Court to strike him off the rolls: but if the editor of a newspaper acts corruptly—if the director of the public press disseminates opinions that are subversive of the peace, and ruinous to the morals of society—by what law shall we bring him to justice? at what bar shall we impeach him of his moral incompetency? The interests of justice and the welfare of the public demand, therefore, that the situation of the editor of a public journal shall be protected from the intrusion of incompetent persons, of persons in whom the public cannot place confidence, just as much as the situation of an attorney, or of a barrister, or of a judge. And if a situation of such commanding influence in society as that which secures to an individual the management of the press, is nevertheless intruded into by an individual morally and politically incompetent to hold it, one in whom the public can have no confidence, and who only employs his power for the injury of society, it becomes the duty of every honest man—of every man who has the welfare of society at heart—to impeach that individual of his incompetency at the bar of public opinion, as I have done the plaintiff in the article for which I am called to answer this day. In short, the man who would maintain that the restoration of an individual, upon whom the sentence of transportation has passed, to the rights and privileges of a free subject, renders that individual morally and politically competent for any situation whatsoever,—that man's motto is not *Fiat justitia*, but *Ruat cælum*; or, in other words, "Let all the distinctions that subsist in civilized society be done away with; let those landmarks which the Eternal has established between right and wrong, be entirely removed; and let the world revert to that state of chaos in which it existed ere the Creator said, *Let there be light*, and separated the light from the darkness.

"I am no lawyer, and cannot appeal to legal authorities; but I appeal to Your Honours, whether there are any to refer to in this particular case; nay, I am confident there is not a single case in all the law-books in England, of an emancipated convict assuming the management of the press. I shall take the liberty, however, of citing one or two cases from the ancient classics, to point out in what manner public opinion usually operated, in excluding individuals, in the condition of the plaintiff, from situations of influence and prominence in society, even when the standard of public morals was pitched far lower than it is in Christian nations. In the reign of the Emperor Augustus, a freedman, who had somehow acquired

an immense fortune in the city of Rome, conceived himself entitled, on the ground of his wealth, to occupy one of those seats in the Roman amphitheatre, that were appropriated, by the law of Otho, to Roman citizens of equestrian rank. The poet Horace, observing the circumstance, was moved with indignation at the individual, and, in an ode on the subject, addressed him in such terms as the following :—

“*Ibericis peruste funibus latus,
Et crura dura compede;*”

“Thou who hast undergone corporal punishment, and whose legs have been bound in double irons, how canst thou presume to assume the rank and place of the honourable citizens of Rome?” During the same emperor’s reign, a regiment of Roman soldiers had allowed themselves to be taken prisoners by the enemy—a circumstance which was held much more disreputable in ancient than it is in modern times; and the government had resolved not only to ransom them from the enemy, but to restore them to their place among the troops of the line. Horace felt as highly indignant at the measure as he did in the case of the freedman, and in a beautiful ode on the subject he thus writes:—

“*Flagitio additis
Damnum. Neque amissos colores
Lana refert medicata fuco:
Nec vera virtus, quum semel excidit,
Curat reponi deterioribus.*”

“The restoration you propose is not only disgraceful, but a serious loss to the commonwealth. Wool, when once dyed, never recovers its original colour; and when a virtuous character is once lost, it cannot be restored.” I should be sorry to subscribe to these sentiments in their full extent: I only quote them to show, that public opinion has operated in all countries in excluding, from situations of prominence and influence in society, men who have once degraded themselves by their criminality in the eye of the law.

“It will doubtless be argued in reply, that to exclude emancipated convicts from any situation in society which they have ability to occupy, is repugnant to those principles of charity that distinguish the Christian religion, and that therefore the right hand of fellowship should be held forth to help the emancipated convict over the stile, into every situation which a freeman, on whom the sentence of transportation has never passed, may lawfully occupy. But Your Honours are well aware that there is a spurious charity

in the world, which often passes current for the true; and that individuals can never have claims upon our charitable feelings inconsistent with the exercise of justice to society at large. 'Jampridem, equidem,' exclaimed the famous Cato in the Senate-House at Rome, when Julius Cæsar, who was afterwards emperor, was pleading for the manifestation of charitable and kindly feelings towards the men who had been engaged in Catiline's conspiracy; 'Jampridem, equidem, nos vera rerum vocabula amisimus; quia bona aliena largiri liberalitas, malarum rerum audacia, fortitudo vocatur: eo respublica in extremo sita. Sint sane, quoniam ita se mores habent, liberales ex sociorum fortunis; sint misericordes in furibus serarii: ne illis sanguinem nostrum largiantur, et dum paucis sceleratis parcent, bonos omnes perditum eant.'—'It is long; indeed, since we lost the proper designations of things: for to make free with and to squander away other people's property is now called liberality, and the audacity that perpetrates the most flagitious actions is styled boldness and spirit: at such a pass, in regard to virtuous feeling, has the commonwealth arrived. But if public feeling, if public morals, are indeed in so low a state, let men be liberal, if they please, with their own property, and with that of their friends; let them show their kindly feelings, if they so incline, to common thieves and robbers: but let them not sacrifice our best interests to persons of this description; and while they manifest a benignant disposition to a few miscreants, let them not devote the whole class of reputable men to one common ruin.'

"Particular stress is laid in the plaintiff's affidavit on that part of the article in which it is asserted that the plaintiff is not a reformed character. I shall read the portion of the article to which the plaintiff particularly refers:—

" 'We shall be told that Mr. O'Shaughnessy is a reformed personage: we deny that he is so. A modest retiring disposition is the uniform accompaniment of sincere penitence, of genuine reformation; and we maintain, in the face of the whole colony, and without the least fear of contradiction, that if Mr. O'Shaughnessy had possessed such a spirit in any degree, he would have shrunk back from a situation of such peculiar prominence and responsibility, as that of Editor of *The Sydney Gazette*, even although it had been injudiciously offered him on the one hand, and though he had been quite fit for it on the other.

" 'The brazen-faced impudence of the man who could presume to step from the situation of government-man or assigned servant to the late Mr. Robert Howe into that of Editor of *The Sydney Gazette*,

or, in other words, literary dictator to the lieges in this colony, and could set himself down in a sort of magisterial chair, to pronounce authoritatively on the character and actions of reputable men, and to issue forth opinions to a gaping public thrice a week on matters of government and legislation, sufficiently proves that he has no right or title to the epithet *reformed*, and that he is just as bad at heart as when he was *legged*¹ in Dublin. And has His Majesty's colony of New South Wales indeed come to such a pass, that we must all be *school'd*, forsooth, by a fellow like this ?

"Why, when Your Honours consider what sort of an engine the press is and what sort of jurisdiction it claims over all classes of society, over all interests whatever, I am sure Your Honours will admit that a really reformed, emancipated convict would never presume to assume the management of such an engine, or the exercise of such a jurisdiction. And yet the plaintiff has the assurance to come to Your Honours to demand the punishment of the writer of this article, because, forsooth, it has a tendency to injure him *in his trade or profession* ! Why, if he ventured to carry on such a trade, or to exercise such a profession in England, the populace would have him burnt in effigy for the insult he had dared to perpetrate on the virtuous feelings of the community.

"I submit then to Your Honours, whether the article for which I am this day called to answer, as a false, scandalous, and malicious libel, is, in any respect, either false, or scandalous, or malicious ; and whether it is not rather a fair comment on the principle or text which it proposed to establish,—viz. that an emancipated convict, that is, an individual who has once been transported to this colony for his crimes as a felon, is morally unfit, and politically incompetent, to undertake the management of the press in this convict colony.

"It will, doubtless, be maintained, that the character of my article, and the course I have taken in this defence, are inconsistent with the genius and spirit of the Christian religion : but that religion, which was designed for the reformation of mankind and the moral renovation of the world, carries in it terrors to evil-doers, as well as praise to those that do well ; and there is nothing for which it ever evinces a deeper anxiety, than that the fountains of knowledge and the sources of instruction should be kept pure and uncorrupted.

"But if it should be represented as inconsistent with the character of a minister of religion, who, it will doubtless be alleged, ought

¹ The cant word for *apprehended* or *convicted*.

always to be meek and lowly, like his Master, to assume the vindication of the rights of the public and the claims of virtue in this particular instance, I beg to observe, that there are occasions on which this mild and gentle demeanour is as unbefitting a minister of religion as an opposite demeanour is on all others. When the divine Author of Christianity found the Temple at Jerusalem polluted with the presence of unworthy persons, did He merely go up to them, and request them in a very mild manner to walk out? No! He made a whip of small cords, and scourged them from within the sacred precincts: and I submit to Your Honours whether I have been doing anything more, as a minister of religion, than merely acting on this precedent, and following up this example in endeavouring, in the article for which I have this day been called to answer before Your Honours, to cleanse and to purify the press in this colony?"

On the conclusion of this speech, which was listened to through-out with the most profound attention, the Chief Justice, after conferring for a few minutes with the other judges, observed, that the Court, exercising the functions of a grand jury, but without entering into the merits of the case, conceived there was sufficient matter upon the plaintiff's affidavit for referring the case to a jury, and would therefore make the rule absolute.

There was an unusually large number of the respectable inhabitants of Sydney present during the proceedings, which appeared to excite the deepest interest. The reading of certain parts of the obnoxious article, especially a passage containing an extract of an imaginary speech in the House of Commons, by Mr. Watt's late master, Mr. Morrison,² gave general amusement: even the stern visage of Mr. Wentworth, counsel for the plaintiff though he was, was occasionally relaxed into a smile at the expense of his client. At all events, nothing could possibly have happened in the colony more strongly calculated than this prosecution to advance the object

² James Morrison, Esq., M.P., the head of the great mercantile house in Fore Street, London, in which Watt had been employed when he committed the crime of embezzlement and forgery, for which he was convicted and transported, was represented in the omitted part of the article in the *Colonist* journal, making a speech in the House of Commons, in reply to Mr. Bulwer, M.P., who had been entrusted with a Petition from the emancipists of the day, praying for Free Institutions and a House of Assembly.

for which the obnoxious article was written, or eventually to raise the character of the colonial press. The case has excited intense interest in all quarters, and we have reason to believe, that the result has been a general acquiescence in the soundness of Dr. Lang's position. Mr. O'Shaughnessy, it seems, has taken the hint, and made his exit from the *Gazette* office; and although he has left a ticket-of-leave man (the convict Watt) virtually in his place, we shall not consider our task accomplished till we have put down that enormity also.

APPENDIX V.

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COLONIAL PROFLIGACY IN THE OLDEN TIME.

Mr. John Thomas Wilson, the managing partner in an extensive Sheffield house in Sydney, had for several years been one of the most prominent individuals of our colonial community; being a leading member of all the joint-stock speculations of the country, and either secretary, treasurer, or honorary member of almost every religious or philanthropic society in the colony. It was ascertained, however, by the parties connected with the Colonial journal which I had established, that he had not only seduced a young Scotch widow of the name of Cavill, the sister of one of the free emigrant Scotch mechanics whom I had carried out to the colony in the year 1831, but that, after sending that young woman clandestinely home to her friends in Scotland, with a promise, forsooth, that he would very soon follow her and marry her there, he had taken under his protection a woman of the name of Taylor, who had deserted her husband in Tasmania, and come to New South Wales to practise as an actress. Wilson had even proposed to take the Sydney theatre for this woman; and in various ways his profligacy was ostentatiously obtruded upon the public, while his procedure towards the relatives of the young Scotch widow had been peculiarly distinguished for its heartlessness and enormity. In short, the case of this individual appeared to the parties connected with the *Colonist* journal eminently deserving of exposure, as well from the prominence of the delinquent as from the character of his immorality. The following *jeu d'esprit* was accordingly published in that paper on the 31st of March, 1836:—

THE FAMILY MAN;

A NEW SONG.

*(To be sung at the next Concert.)*TUNE—*We'll run the risk for a' that.*

John Thomas was a Shropshire man,
 And eke a worthy nailer;
 He had a stout-built portly frame,
 And his flame she was a *Taylor*;
 Who, though she tried to fasten John
 In Hymen's pleasant noose,
 Found to her cost, alas! that he
 Was not a *Taylor's* goose.

She bound him with a silken cord,
 And then a cord of cotton;
 But silk and cotton, flax and tow,
 Snapp'd as if each were rotten!
 She took to pouting then, and vow'd
 She'd sooner die of hunger,
 Than e'er be bound with *bullock chains*
 Or wed an *Ironmonger*!

"What is't you say?" said he, as she
 Stood bolt upon *the boards*;

"You're tenfold happier than if *kept*
 By half a dozen lords.

There's not a show-room in the place
 Can be compared with mine;
 There's not a woman on the town
 Has such a lot as thine.

"Why, there's the Sydney Theatre,—
 Its owners wish to let it;

'Twould be the noblest spec of all,
 If we could only get it.

We'd take it either by the week,
 Or by the month or year;

And there's my good friend Burdekin³
 Will back us out, my dear."

³ The head of the Sheffield House.

Said Parson Hill one day, as they
 Were riding in their carriage,
 "Why, you'll disgrace us all, friend John,
 If you don't make this a marriage.
 The thing has got about the town,
 In fearful notoriety;
 And, mind, we'll turn you out of each
 Religious Society."

John Thomas blush'd, and said 'twas strange
 How idle people CAVILL,
 But he would tell him all the truth
 And the whole case unravel.
 He would have married long ago;
 (He's of the marrying kidney:)
 But when one has a wife at home,
 He can't have one in Sydney.

The sensation produced in the town of Sydney, and indeed all over the colony, by the publication of this little *jeu d'esprit*, was quite unprecedented, the parties concerned being known to everybody, while the allusions were universally intelligible.

It is unnecessary to detail the legal proceedings to which this publication, although never prosecuted directly as a libel, indirectly gave rise. They involved a struggle for moral ascendancy, in which the powers of evil, numerous and influential in the colony at the time, were arrayed in mortal hate on the one hand against the interests of public and private virtue on the other, while the whole colony were spectators of the scene. *John Thomas* at length, I may add, made what is called in Scotland a *moonlight flitting* from Sydney, carrying off with him a steamboat, and otherwise defrauding the public. He was last heard of keeping a low public-house somewhere in the Straits of Malacca, where he died.

APPENDIX VI.

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THE following is an Extract from the speech of Sir George Gipps in the Legislative Council, on Thursday, 9th July, 1840, on the second reading of the Bill for appointing Commissioners to inquire into the claims to grants of land in New Zealand:—

"I have not heard one reasonable and disinterested person object to the main purpose of this Bill. Of all the witnesses examined before the Committee of the House of Lords in 1838, no one was so wild as to say that all purchases from the natives of New Zealand were to be acknowledged: no one pretended, because the Narraganset Indians sold Connecticut, as we have been told they did, for a certain number of old coats and pairs of breeches, or because they sold Rhode Island (as I find they did) for a pair of spectacles, that therefore Her Majesty is bound to acknowledge as valid, purchases of a similar nature in New Zealand. The witnesses whom I have alluded to all considered the New Zealanders as minors or as wards of Chancery, incapable of managing their own affairs, and therefore entitled to the same protection as the law of England affords to persons under similar or analogous circumstances. To set aside a bargain on the ground of fraud, or of the incapacity of one of the parties to understand the nature of it, or his legal inability to execute it, is a proceeding certainly not unknown to the law of England; nor is it in any way contrary to the spirit of equity; the injustice would be in confirming any such bargain; there would indeed be no excuse for Her Majesty's advisers, if, by the exercise of her prerogative, she were to confirm lands to persons who pretend to have purchased them at the rate of four hundred acres for a penny; for that is, as near as I can calculate it, the price paid by Mr. Wentworth and his associates for their twenty millions of acres in the Middle Island.

"A great deal was said by this gentleman, in the course of his address to the Council, of corruption and jobbery, as well as of the love which men in office have for patronage. But, gentlemen, talk of corruption! talk of jobbery! why if all the corruption which has defiled England since the expulsion of the Stuarts were gathered into one heap, it would not make such a sum as this; if all the jobs which have been done since the days of Sir Robert Walpole, were collected into one job, they would not make so big a job as the one which Mr. Wentworth asks me to lend a hand in perpetrating;—the job, that is to say, of making to him a grant of twenty millions of acres, at the rate of one hundred acres for a farthing! The Land Company of New South Wales has been said to be a job: one million of acres at eighteen pence an acre has been thought to be a pretty good job; but it absolutely vanishes into nothing by the side of Mr. Wentworth's job.

"In the course of this gentleman's argument, he quoted largely from Vattel and the Law of Nations to prove the right of independent people to sell their lands; and he piteously complained of the

grievous injustice which we should do to the New Zealanders, if we were to deny them the same right; and the Council may recollect that when I reminded him that he was here to maintain his own rights, and not those of the New Zealanders, he replied, not inaptly, that, as his was a derivative right, it was necessary for him to show that it had previously existed in the persons from whom he derived it; it was, in fact, necessary for him to show that the right existed in the nine savages, who were lately in Sydney, to sell the Middle Island, in order to show his own right to purchase it from them at the rate of four hundred acres for a penny!!

"Lastly, gentlemen, it has been said, that the principles on which this Bill is founded are derived from the times of Cortez and Pizarro; times, when not only the rights of uncivilized nations, but the rights also of humanity, were disregarded. To this I answer, that whatever may be the changes (and thank Heaven they are many) which the progress of religion and enlightenment have produced amongst us, they are all in favour of the savage, and not against him. It would be indeed the very height of hypocrisy in Her Majesty's Government to abstain, or pretend to abstain, for religion's sake, from despoiling these poor savages of their lands, and yet to allow them to be despoiled by individuals being subjects of Her Majesty. It is in the spirit of that enlightenment which characterizes the present age, that the British Government is now about to interfere in the affairs of New Zealand. That it interferes against its will, and only under the force of circumstances, is evident from Lord Normanby's despatch; the objects for which we go to New Zealand are clearly set forth in it, and amongst the foremost is the noble one of rescuing a most interesting race of men from that fate which contact with the nations of Christendom has hitherto invariably and unhappily brought upon the uncivilized tribes of the earth.

"One of the gentlemen who appeared before you did not scruple to avow at this table, and before this Council, that he can imagine no motive Her Majesty's Ministers can have in desiring the acquisition of New Zealand, but the increase of their own patronage. The same gentleman is very probably also unable to imagine any other reason for the exercise of Her Majesty's prerogative than the oppression of her subjects. These, gentlemen, may be Mr. Wentworth's opinions. I will not insult you by supposing that they are your own. You will still believe that there is such a thing as public integrity, and that integrity is not utterly banished from the bosom of man. To your hands, therefore, I commit this Bill. I leave it to you to deal with it according to your consciences, and to the interests of the colony."

dence which you ought to exercise; having a due regard for the honour of the Crown and interests of the subject: whilst for myself, in respect to this occupation of New Zealand by Her Majesty, I may, I trust, be permitted to exclaim, as did the standard-bearer of the Tenth Legion, when Cæsar first took possession of Great Britain—*'Et ego certe officium meum Reipublicæ atque Imperatori præstitero;'* fearless alike of what people may say or think of me, I will perform my duty to the Queen and the public."

APPENDIX VII.

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"THE PRESENT MONETARY CRISIS;

"OR, MR. DASHER'S EXAMINATION.

"THERE is nothing that, to us at least, savours so much of folly and self-delusion, if not of hypocrisy and absolute dishonesty, as the practice of some of our contemporaries, as well as of certain of their readers and supporters, in making a mystery about the causes of the present monetary crisis, as it is called—the present universal depression both in town and country. Public meetings have been spoken of to investigate its causes and to suggest a remedy; and if the new Legislative Council had only been in existence, there is no question but that a Committee would have been appointed long ago to take the subject in hand. Let us suppose, then, that such a Committee has actually been appointed. Our two members for Sydney must of course be present at the meetings; especially as one of them is chairman of the committee. Let us just step in, then, for a few minutes into the committee-room, and listen to the proceedings. Here they be:—

Committee of the Legislative Council for ascertaining the causes of the present general depression throughout the colony, and for suggesting a remedy.

"*Die Martis, &c. &c., Sessio Prima.*

"MR. DASHER EXAMINED.

"*Chairman.*—'You are junior partner in the house of Flimsy, Dasher, and Co.?'

"*Mr. Dasher.*—'Yes.'

"2. 'In what situation in society did you move at home, and what might be the amount of your emoluments there?'

"'I was principal clerk in the house in London, and my salary was 200*l.* a year.'

"3. 'What sort of business did the house do, and what might be the style of living of the junior partner?'

"'The house was doing a good stroke of business, and realizing considerable profits. The senior partner lived at Hackney; the junior in town—in a house adjoining the counting-house.'

"4. 'Can you inform me whether the senior partner kept his carriage?'

"'No. Very few London merchants do—comparatively speaking. The junior partner's establishment consisted of a man-servant of all work (for he had to do duty in the counting-house also) and two maid-servants.'

"5. 'Pray how many servants have you, as junior partner of the house here?'

"'Only nine! I had more lately, but I have begun to retrench since the Bank of Australia business got wind.'

"6. 'You require that number, I presume, for your establishment?'

"'It is difficult to do with fewer here, especially when one lives a little way out of town, and keeps a riding-horse or two, besides a carriage and gig.'

"7. 'You deem it necessary, I presume, to keep up such an establishment?'

"'Others do so, and one must be like other people, you know. But it is the *parties* that involve one in expenses here. I have told Mrs. Dasher fifty times that I wouldn't stand it.'

"8. 'You have had large advances from the banks?'

"'Only 40,000*l.* or 50,000*l.* or so. We don't reckon that much here; I could mention a house that has had more than three times as much and no mistake.'

"9. 'The profits on merchandize have been rather low recently, I understand?'

"'They won't pay the expenses of an establishment by half, sir.'

"10. 'Pray to what do you ascribe the depression throughout the colony?'

"'To the exorbitantly high price of land, sir. I always tell Mrs. Dasher so; but she won't believe it. (*Chairman, aside.*—A very sensible woman!) "Look here, says I, Mrs. Dasher; if people have to pay twenty shillings an acre for land that ain't worth five, they won't

come here at all; and if they do they'll be ruined." "Pahaw! my dear," says she, "it's not the land; it's them low people as one 'as to 'sociate with here—'orrid vulgar people as one wouldn't have in their kitchen at home. What do you think, Mr. Dasher?" says she; "some on 'em doesn't know the use of finger-glasses; they think it's for drinking with!"

"11. 'Your wife must be a very superior woman, Mr. Dasher. But I presume you have been doing a little in land?'

"'Thank you for Mrs. Dasher; and I have been doing something in land like other people! I bought about 20,000*l.* worth at Port Phillip!'

"12. 'You mean you paid 20,000*l.* for it; but is it worth that now?'

"'Not a fourth of it; and that is what I say—it is the high price of land that has ruined the colony!'

"13. 'I presume you purchased your land since the present high price of twenty shillings an acre came into operation?'

"'Not an acre, sir; but when other people bid high for land at a public sale, and you wish to have it, you must bid higher or be done out of it.'

"14. 'I presume your land is well stocked?'

"'It wouldn't pay else. If one has land, one must have sheep and cattle to eat the grass.'

"15. 'Pray, what might your stock cost when purchased?'

"'The sheep cost two guineas a head and the cattle 10*l.*—with the calves given in.' (*Chairman, aside.*—A mere sucking calf himself.)

"16. 'They wouldn't bring that amount now?'

"'Not by one half, with all the increase; leaving the interest of the money out of the question.'

"17. 'I presume you must have brought out a large amount of capital with you, to make such large investments?'

"'Not a farthing, sir; didn't I tell you I got 40,000*l.* or 50,000*l.* from the Bank of Australia?'

"18. 'And gave security on the land and stock?'

"'Precisely.'

"19. 'Pretty good security still, I presume?'

"'So so! But we must look for better times.'

"20. 'You consider the high price of land the cause of the general depression. Now, as you have doubtless turned your attention to the state of the country, pray what remedy would you propose for the relief of the colony from its present embarrassments?'

"A loan of a million or two on the security of the land, under the guarantee of the Home Government, would, in my opinion, set us all right."

"21. 'Wouldn't the interest of so large a sum be a heavy tax on the future industry of the colony?'"

"People don't think of *paying* interest now-a-days, much less principal!"

"22. 'You mean they file their schedules, and make a clean stomach of it by swallowing a dose of our new quack medicine, Burton's Purge.'"

"Precisely." (*Exit Mr. Dasher.*)

"Chairman.—'Ha! ha! ha! What a pretty fellow we have had here to begin with to be sure! A perfect specimen of the whole gang, however! Why here is a person who comes and tells us that he was merely a merchant's clerk in London, at a salary of 200*l.* a year, and that the principal partner of the respectable house he belonged to, although doing a good stroke of business and living out of town, did not keep a carriage, but went into town every morning, and returned in the evening by the omnibus, or short stage; while the junior partner lived on the premises in town, having only two maid-servants, and getting the counting-house porter occasionally to go messages, or to wait at table when he had a friend or two at dinner. And yet here is this precious clerk, who probably, marries one of his master's maid-servants and comes to Sydney as the junior partner of the house here, and no sooner arrives than he sets up an establishment like a German prince—a precious sight better than some of these princes could afford to maintain—having nine servants, a carriage and a one-horse *shay*, with a riding-horse or two besides, and every thing to match; giving splendid parties, and affecting the aristocrat by looking down on honest industrious people whom he is likely to ruin in the end! Here is this fellow, I say, who comes here without a farthing, getting 40,000*l.* or 50,000*l.* on his trumpery security, from the Bank of Australia, to invest in land, sheep, and cattle—all purchased at enormous prices, because other unprincipled speculators like himself are enabled to go into the market with the same fictitious wealth—and telling us, now that all is gone, and there is nothing left to pay the piper, that he has thoughts of making a clean sweep out of his filthy interior by means of Burton's Purge. Gentlemen, can any community under the sun maintain itself under such an organized system of reckless extravagance and enormous speculation as this? The high price of land, forsooth, the cause of

our depression! Why, the fellow told us he had purchased every acre of his land *before* the price had been raised to a pound an acre! It was raised to something like that price, at the Government auctions, by himself, and others like him, whom these rotten concerns, the Banks, had sent into the market with their pockets full of fifty pound notes, to raise the prices of everything over the heads of such honest men as most of my constituents! And then as to the *panacea* this person would prescribe for all our evils—a loan of a million or two from England, on the security of the waste lands of the colony, to be guaranteed by the Home Government—Gentlemen, the Home Government are not such flats; neither are the London money-lenders. It will be quite sufficient to cure them of any propensity to lend money here, to show them how Burton's Purge has operated on the Colony for the last fifteen months. Why, it is as bad as repudiation, gentlemen! It is downright swindling by wholesale! But we must have a change in the law, gentlemen; for if a poor fellow in the situation of a clerk who commits a breach of trust by appropriating other people's money to his own purposes, gets transported for his pains, there ought decidedly, I say, to be a law to reach these wholesale swindlers, whether bankers or others, who get hold of other people's money and appropriate it to their own purposes, at this enormous rate. Gentlemen, it is half-past three: to your beefsteak and back to the House at four; for we shall have a sharp debate to-day on my motion to reduce the Governor's salary to 3000*l.* a year.'—(*Exeunt omnes.*)"

THE PRESENT MONETARY CRISIS (*continued.*)

"We were gratified to learn that the recent examination of Mr. Dasher before a committee of the forthcoming Legislative Council had served to open the eyes of certain of our readers as to the true causes of the present monetary crisis. It is of great consequence to have such honest straightforward witnesses as Mr. Dasher to give evidence on so important a subject; for when a man comes forward and states the particulars of his own history and experience on the road to ruin so very circumstantially as Mr. Dasher has done, it enables us to discover how many others who have evidently been travelling on the same beaten track have ultimately reached the same goal. Judging from the past history of this colony, and the comparatively few failures that had taken place in it for many years, during our own long experience of its men and manners, previous to the year 1842, we supposed at first that the celebrated

patent medicine of the past year, we mean Burton's Purge, was intended only for a few of the more intractable cases of our Colonial Nosology. But it has unfortunately become quite a domestic medicine throughout the colony. It is in everybody's hand—in everybody's mouth; and if it has not yet slain its thousands, it will evidently do so very soon. In such circumstances it is well to have such cases as that of Mr. Dasher to refer to. It is the general type of a whole class—*Ex uno disce omnes*. In other words, Mr. Dasher is no unfit sample of our colonial mercantile community.

"We presume our readers will not be unwilling to step into the committee-room once more. At all events as there is so little business doing at present, we do not know that they can spend an hour better, especially as Mr. Shorthorns, the settler, is to be examined to-day previous to his taking the benefit of the Purge.

"Committee of the Legislative Council for ascertaining the causes of the present general depression throughout the Colony and for suggesting a remedy.

"Die Lunæ, &c. &c., Sessio Secunda.

"MR. SHORTHORNS EXAMINED.

"*Chairman.*—'You are an old settler in the colony, Mr. Shorthorns?'

"*Mr. Shorthorns.*—'Yes, sir; I came out in Sir Thomas Brisbane's time, and that is not yesterday, I think, now.'

"16. 'You brought out an order for a grant of land, I presume, from Earl Bathurst, who was then Secretary of State for the Colonies?'

"'I did, sir, and selected two thousand acres, the extent allowed me by the Governor, at Hunter's River.'

"17. 'Pray, what other indulgences accompanied the grant?'

"'I had a few cattle, not exceeding ten, lent me from the Government herds, to be returned in seven years, together with rations for myself and about half-a-dozen convict servants for six months.'

"18. You had also an unlimited supply of convict labour of all kinds, free of cost?'

"'Not quite unlimited. The Government in fact could not supply us with the number and description of labourers we required; but there were few settlers at that time who could not get at least ten or twelve such labourers, if they required them.'

"19. 'Now what could have prevented you from getting amazingly rich under such a system—with land for nothing, stock on loan

without interest for *seven years*, rations from the stores for six months, and plenty of convict labour to the bargain ?

" 'There was certainly nothing to prevent us from getting rich enough; and if we had only gone on as frugally as we began, we should doubtless have done so. But when one begins with little and gathers much easily, his ideas expand; and the more one has the more he is tempted to spend. As Mrs. Shorthorns said of the tea when she came here, and found it so cheap compared with the price at home, "It comes to the same thing at the year's end, for you only put more of it *in*."

"20. 'Pray, what was the style of living among the settlers in Sir Thomas Brisbane's time ?'

" 'Dampers and tea, sir, with a mutton chop, or a fowl and a slice of bacon when a friend dropt in. There were few gigs in the colony then out of Sydney; respectable people had a sort of chaise-cart for great occasions, and settlers were not above lending a helping hand themselves when there was anything doing on their farms.'

"21. 'That was not the style of living, I presume, in Sir Richard Bourke's time ?'

" 'By no means, sir: it was as different then as night is from day. The taste for mansion-building came into vogue about that time, and the taste for splendid equipages and livery-servants too. Mrs. Shorthorns—I say it with great pain—gave me no rest till I got all our men-servants tricked out in a new livery of sky-blue, lined with scarlet, and I was actually forced to have a search made in the Herald's Office for the arms of the family!'

"22. 'And pray what armorial bearings did they find for you, Mr. Shorthorns ?'

" 'It was something they call a *Cornucopia*, which my son John, who has just come home from a Grammar School on the Race Course, with the reputation of being a great Latin scholar, tells me signifies "plenty of horns." "But then," says I, "John, it doesn't say whether they are long or short horns." "Ah, father, you see," says he, "that is all in the motto, *Brevis esse laboro, I am trying to make them short*." So you see, sir, there were both arms and a motto found for the family—a thing, I am sure, my own worthy father, old John Shorthorns, the carcase-butcher, never dreamt of!'

"23. 'It was a happy circumstance, doubtless; and then your son John, too, so promising a lad! But I hear you are *in*, too, with the Bank of Australia, Mr. Shorthorns! is it the fact ?'

APPENDIX VIII.

" Star Hotel, 27th August, 1850.

" Rev. and dear Sir,

" I have the honour to convey to you the enclosed copy of Resolutions unanimously adopted at a public meeting held this day, in the Old Barrack Square; and further to inform you that an Address of confidence in your integrity as the Representative of this City (of which I also enclose a copy) is in course of signature by the electors. This address will be presented to you in a few days, and in the mean time it is the general opinion of your friends that you should immediately resume your seat in the Legislative Council.

" I would beg to add that at least two thousand attended the meeting to-day.

" I am, Rev. and dear Sir,

" Yours faithfully,

" J. R. WILSHIRE,

" The Rev. Dr. Lang, D.D., M.C., &c."

" Chairman.

" At a Public Meeting of the citizens of Sydney, convened by advertisement, and held in the Old Barrack Square, on Tuesday, August 27th, 1850, J. R. Wilshire, Esq., J.P., in the chair, the following resolutions were unanimously adopted:—

" Moved by J. M. Grant, Esq., afterwards Minister for Lands in Victoria,

" Seconded by Mr. H. Parkes, now Premier of New South Wales

" 1. 'That this meeting records its deliberate protest against the conduct of the Legislative Council, in first refusing to appoint a Committee to inquire into the charges preferred by the Senate of State against the Rev. Dr. Lang, member for this city, and proceeding to pass a vote of condemnation on that honourable member, without evidence, and under the colour of a misapprehension that it had been invited by himself to such an unbecoming course: that, in the opinion of this meeting, this proceeding is altogether most factious, unprecedented, and unjustified.'

calculated greatly to impair public confidence in the deliberations and acts of the present Council.'

"Moved by Dr. Aaron,

"Seconded by Mr. Robert Stewart :—

"2. 'That this meeting, cognizant of the fact that only thirteen members were present when the decision in the case of Dr. Lang was arrived at,—namely, the Colonial Secretary, the Colonial Treasurer, the Collector of Customs, the Attorney-General, Messrs. Parker and Icely, nominees, and Messrs. Wentworth, Donaldson, Darvall, Murray, W. Macarthur, Ebdon, and Mercer, is deliberately of opinion that two thirds of these members, from the known or suspected bias of some, and the undisguised personal hostility of others, would never have been allowed to sit on a jury in the same case in the mother country.'

"Moved by Mr. E. J. Hawksley,

"Seconded by Mr. Driscoll :—

"3. 'That this meeting cordially sympathizes with the Rev. Dr. Lang, in the unjust treatment which he has received from the Legislative Council in this matter; and, hereby expressing its entire confidence in his public honesty and integrity, pledges itself to afford him every constitutional support, as the freely-chosen representative of this city.'

"Moved by Mr. Dadswell,

"Seconded by Mr. Hawksley :—

"4. 'That a petition, founded upon the foregoing resolutions signed by the chairman, on behalf of this meeting, be presented to the Legislative Council.'

"J. R. WILSHIRE,

"Chairman."

"To the Rev. Dr. Lang, M.L.C.

"Sir,

"We, the undersigned electors of the city of Sydney, beg respectfully to assure you, that we have well considered the vote and proceeding of the Legislative Council, in reference to yourself, as recorded on the 21st instant, which we consider most tortuous and unconstitutional. We emphatically repudiate the course taken by that honourable body in this matter, in first denying you the means of inquiry, and then, by manoeuvre and stratagem, seizing upon the circumstance of your having applied for such inquiry, to injure your character by a condemnatory vote. Of the improper feeling and indecency which characterized the conduct of the Council, in your case, sufficient proof is found in the fact that only one-third of the

Members,—one-half of whom were Nominees and Officials,—were implicated in the unjust decision.

“We beg to express our entire confidence in your integrity, and to assure you of our earnest resolve to support you to the utmost of our power, as our honest and freely-chosen Representative.”

(Here follow the Signatures.)

END OF VOL. I.



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